

*** ANALYSIS FROM -0604/5 ***
HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

This bill creates an appropriation to DWD that consists of recovered overpayments and incorrect or disallowed payments and voluntary repayments of federal ~~Child Care and Development Fund (CCDF)~~ block grant moneys, federal ~~Temporary Assistance for Needy Families (TANF)~~ block grant moneys, and state moneys paid to meet the maintenance-of-effort requirements under those two federal block grant programs. The federal block grant moneys and state maintenance-of-effort moneys are used for various public assistance programs, including ~~Wisconsin Works (W-2)~~ and the child care subsidy program in W-2. The appropriation may be used for the recovery costs, for activities to reduce errors in W-2 and the child care subsidy program, and for any of the other purposes under current law for which CCDF and TANF moneys are used.

The bill also provides that, to an appropriation to DWD that consists of federal moneys, DWD may credit, as refunds of expenditures, amounts that are returned to DWD in a fiscal year that is different from the fiscal year in which DWD made the original payment if the returned amount is subject to expenditure in the same contract period in which the original payment was made. Under current law, only payments that are returned in the same fiscal year in which they were originally made may be credited as refunds of expenditures.

*** ANALYSIS FROM -0334/2 ***
HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

Under current law, a person who meets the eligibility requirements for ~~the Wisconsin Works (W-2) program~~, and who is the custodial parent of a child who is 12 weeks old or less may receive a monthly grant of \$673 and may not be required to work in a W-2 employment position. Current law also provides generally that receiving a monthly grant as the custodial parent of an infant counts toward the time limits that apply to how long an individual may receive certain benefits only if the child was born more than ten months after the date on which the individual was first determined to be eligible for W-2.

H Under the This bill ~~changes the eligibility requirement by increasing the maximum age of the child so that the~~ custodial parent of a child who is 26 weeks old or less may receive the monthly grant. Only if the child is 12 weeks old or less, however, may the custodial parent not be required to work in a W-2 employment position. ~~The bill~~ provides that an unmarried woman who would be eligible for W-2 except that she is not a custodial parent may also receive a monthly grant of \$673 and not be required to work in a W-2 employment position ~~if she is in the third trimester of a medically verified pregnancy that is at risk and that renders the woman unable to participate in the workforce.~~ Under the bill, receiving a monthly grant as the custodial parent of an infant counts toward the time limits that apply to how long an individual may receive certain benefits regardless of when the child was born in relation to when the

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who is not a custodial parent, however,

individual was first determined to be eligible for W-2. Receipt of a monthly grant by a pregnant woman does not count toward the time limits.

*** ANALYSIS FROM -0335/2 ***

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

The Wisconsin Works (W-2) program under current law provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, is eligible for a child care subsidy under the W-2 program if the individual needs child care services to participate in various educational or work activities. The W-2 program, which is funded with federal Temporary Assistance for Needy Families (TANF) block grant moneys, federal child care block grant moneys, and state general purpose revenue, is administered by DWD, which in turn contracts with W-2 agencies to administer the program on the local level.

The work components under W-2, called employment positions, consist of three categories: 1) trial jobs, under which an individual receives at least minimum wage from an employer and the W-2 agency pays a wage subsidy of up to \$300 per month to the employer; 2) community service jobs, under which an individual works in a project that serves a useful public purpose or that will generate revenue to wholly or partially offset the project's cost and receives a monthly grant of up to \$673 from the W-2 agency; and 3) transitional placements, under which an individual participates in work activities in a community rehabilitation program, a job similar to a community service job, or volunteer activities and receives a monthly grant of up to \$628 from the W-2 agency. Employers for all employment positions must meet criteria established by DWD by rule, and all participants in all employment positions must search for unsubsidized employment the entire time that they are participating in any W-2 employment position. Also under current law, DWD is directed to continue the creation and implementation of a subsidized work program → under W-2

41 This bill eliminates the directive to DWD to continue the creation and implementation of a subsidized work program and requires DWD to conduct, from January 1, 2006, to June 30, 2007, a pilot project for a trial jobs plus program. The pilot project must be limited to 1,000 participants and must be conducted in at least one of the geographical areas of the state established for administering the W-2 program that is located in Milwaukee County and in at least two of those geographical areas that are not in Milwaukee County. Under the project, a W-2 agency pays a wage subsidy, as well as reimbursing up to 100 percent of federal social security taxes, state and federal unemployment contributions, and worker's compensation insurance premiums, to an employer that employs a project participant and that agrees to make a good faith effort to retain the participant as an unsubsidized employee after the wage subsidy ends if the participant successfully completes participation in the trial job plus. If the employer does not retain the participant, the employer must serve as an employment reference for the participant

or provide a written performance evaluation of the participant, including recommendations for improvement. The wage subsidy may not exceed the federal minimum wage for no more than 30 hours of work per week, and any required training activities are counted toward the participant's work hours. An individual may participate in a trial job plus for up to six months, with a possible three-month extension.

*** ANALYSIS FROM -1526/3 ***
HEALTH AND HUMAN SERVICES
WISCONSIN WORKS

Under current law, DWD makes job access loans to persons who are eligible for W-2 and who need such loans to obtain or continue employment. The loans are funded with federal ~~moneys received under the federal Temporary Assistance for Needy Families (TANF) block grant program~~, with general purpose revenue required as maintenance of effort, and with job access loan repayments. This bill eliminates the federal moneys and the general purpose revenue as funding for job access loans, leaving only repayments of job access loans for funding more job access loans. ~~The bill also~~ provides that job access loan repayments may be used for administrative costs associated with collecting delinquent job access loan repayments.

*** ANALYSIS FROM -0084/3 ***
HEALTH AND HUMAN SERVICES

under **CHILDREN**

Under current law, the court assigned to exercise jurisdiction under the Children's Code (juvenile court) may appoint a relative of a child as the guardian of the child if the juvenile court makes certain findings, including a finding that the child has been adjudged to be in need of protection or services and has been placed outside of his or her home ~~pursuant to~~ an order of the juvenile court for one year or longer.

This bill permits any person, not just a relative, to be appointed as the guardian of a child who has been adjudged to be in need of protection or services. The bill also eliminates that one-year waiting period and permits a child who has been adjudged to be in need of protection or services or whose parents' parental rights to the child have been terminated to be placed directly in the home of a guardian without first having been placed in another out-of-home placement. In addition, the bill permits the parental rights of a parent of a child in need of protection or services for whom a guardian has been appointed to be terminated on the grounds of abandonment if, when the juvenile court appointed the guardian, the juvenile court provided the parent with notice of any ground for termination of parental rights that may be applicable and of the conditions necessary for the child to be returned home and the parent has failed to visit or communicate with the child for a period of three months or longer.

Currently, a relative who is appointed as the guardian of a child in need of protection or services and who meets certain other requirements is eligible to receive long-term kinship care payments in the amount of \$215 per month for providing care

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and maintenance for the child. This bill permits a county department of human services or social services (county department) or, in Milwaukee County, DHFS to provide monthly subsidized guardianship payments to a person who is appointed as the guardian for a child in need of protection of services; was the licensed foster parent or treatment foster parent of the child before that appointment; has passed a home inspection and criminal background investigation; and has entered into a subsidized guardianship agreement with the county department or DHFS. The bill also permits a county department or DHFS to provide monthly subsidized guardianship payments for a period of up to 12 months to an interim caretaker who has passed a home inspection and criminal background investigation on the death, incapacity, resignation, or removal of the subsidized guardian.

A county department or DHFS may provide the monthly subsidized guardianship payments to the person if the child has been placed outside the home for a cumulative total period of one year or longer; the juvenile court has found that reunification of the child with the child's parents is unlikely or contrary to the best interests of the child and that further reunification efforts are unlikely to be made or are contrary to the best interests of the child; and the juvenile court has found that appointment of a guardian is in the best interests of the child. A county department or DHFS may also provide monthly subsidized guardianship payments if the child does not meet any of those conditions, but DHFS has determined that appointing a guardian for the child and providing subsidized guardianship payments to the guardian are in the best interests of the child and the juvenile court has confirmed that determination.

Under the bill, the amount of a monthly subsidized guardianship payment is equal to the amount of the monthly foster care or treatment foster care payment received by the guardian immediately before the guardianship order was granted. In addition, a subsidized guardian is eligible for a child care subsidy under the Wisconsin Works Program in the same manner as a foster parent is so eligible, and a subsidized guardian who adopts the child is eligible for adoption assistance in the same manner as a foster parent who adopts the child is so eligible. Also, a child who is in the care of a subsidized guardian is eligible for Medical Assistance in the same manner as a child in foster care is so eligible.

The bill also requires DHFS to request from the secretary of the federal Department of Health and Human Services a waiver of the requirements under Title IV-E of the federal Social Security Act that would authorize the state to receive federal foster care and adoption assistance reimbursement for the costs of providing care for a child who is in the care of a guardian who was licensed as the child's foster parent or treatment foster parent before the guardianship appointment, and who has entered into a subsidized guardianship agreement. If the waiver is approved for Milwaukee County, the bill requires DHFS to provide the monthly subsidized guardianship payments. If the waiver is approved for any other county, the bill requires DHFS to determine which counties are authorized to provide subsidized guardianship payments and requires those authorized counties to provide those payments.

*** ANALYSIS FROM -0292/5 ***

and who meets the applicable eligibility requirements

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~~HEALTH AND HUMAN SERVICES~~
~~CHILDREN~~

Under current law, DHFS administers a child abuse and neglect prevention program under which DHFS awards grants to counties and Indian tribes that offer voluntary home visitation services to first-time parents who are eligible for Medical Assistance. Current law requires DHFS to determine the amount of a grant awarded to a county or an Indian tribe in excess of the statutory minimum grant amount of \$10,000 based on the number of births that are funded by Medical Assistance in that county or the reservation of that Indian tribe in proportion to the number of those births in all of the counties and the reservations of all of the Indian tribes to which grants are awarded. Currently, no more than six rural counties, three urban counties, and two Indian tribes may be selected to participate in the program.

This bill requires DHFS to determine the amount of a grant in excess of the statutory minimum based simply on the number of births that are funded by Medical Assistance in a county or a reservation of an Indian tribe without regard to the number of those births in other counties and reservations. The bill also eliminates the caps on the number of counties and Indian tribes that may be selected to participate in the program.

In addition, the bill directs DHFS to award grants to applying county departments of human services or social services (county departments), local health departments, Indian tribes, private nonprofit agencies, and local partnerships or voluntary, one-time home visits consisting of two or more county departments, local health departments, Indian tribes, and private nonprofit agencies (organizations) for the provision to all first-time parents in the community served by the organization of one-time, voluntary home visits. The purposes of the home visits are to provide those parents with basic information regarding infant health and nutrition, the care, safety, and development of infants, and emergency services for infants; to identify the needs of those parents; and to provide those parents with referrals to programs, services, and other resources that may meet those needs. Any information concerning an individual who is offered a home visit or provided with a referral under this bill is confidential, unless disclosure of the information is required or permitted under the child abuse and neglect reporting law, the use or disclosure of the information is connected to the administration of the program, or the individual consents to the use or disclosure of the information.

*** ANALYSIS FROM -0293/1 ***

~~HEALTH AND HUMAN SERVICES~~
~~CHILDREN~~

Under current federal law, the state receives payments under Title IV-B of the federal Social Security Act (Title IV-B) for child and family services and under Title IV-E of the federal Social Security Act (Title IV-E) for foster care and adoption assistance. To receive those payments, the state is required to have state plans ~~for those services and for that assistance~~ that meet the requirements of those titles. Federal law requires that the programs administered by the state under those titles be reviewed to determine whether those programs are in substantial conformity with

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the state plan requirements under those titles. If the state is not in substantial conformity with those state plan requirements, federal law requires a certain percentage of Title IV-B and Title IV-E funds to be withheld from the state, except that federal law requires the state to adopt and implement a corrective action plan to achieve that substantial conformity and requires the federal Department of Health and Human Services to suspend the withholding of those funds while the corrective action plan is in effect.

This bill appropriates general purpose revenues for activities provided under the Child Welfare Program Enhancement Plan developed by DHFS to achieve substantial conformity with the state plan requirements of Title IV-B and Title IV-E.

*** ANALYSIS FROM -0296/2 ***

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, information received by DHFS, DOC, a county department ~~of human services or social services~~, or a licensed child welfare agency (collectively "agency") about an individual who is in the care or legal custody of the agency is confidential and may not be disclosed, except under certain exceptions. Similarly, under current law, treatment records concerning an individual who is receiving or who has received services for mental illness, developmental disabilities, alcoholism, or drug dependence that are maintained by DHFS, a county department ~~of community programs or developmental disabilities services~~, or a treatment facility are confidential and may be released without the informed consent of the individual who is the subject of the record (subject individual) only under certain circumstances.

This bill permits an agency to enter information received about an individual in its care or legal custody, and a person maintaining treatment records to enter information concerning a subject individual, into the statewide automated child welfare information system (generally referred to as "WISACWIS"). The bill also permits DHFS; DOC; a county department ~~of human services, social services, community programs, or developmental disabilities services (county department)~~; or any other organization that has entered into an information sharing and access agreement with DHFS, DOC, or a county department and that has been approved for access to WISACWIS by DHFS to have access to information concerning a client ~~under the Children's Code, the Juvenile Justice Code, or the Mental Health Act~~ that is maintained on WISACWIS, if necessary to enable DHFS, DOC, the county department, or other organization to perform its duties ~~under the Children's Code, the Juvenile Justice Code, or the Mental Health Act~~ or to coordinate the delivery of services ~~under the Children's Code, the Juvenile Justice Code, or the Mental Health Act~~ to a client.

*** ANALYSIS FROM -0404/4 ***

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, no person may for compensation provide care and supervision for four or more children under the age of seven for less than 24 hours

a day unless the person obtains a license from DHFS to operate a day care center. To obtain a license to operate a day care center, a person must, among other things, meet the minimum requirements for a license promulgated by DHFS by rule. Current law also authorizes DHFS to inspect and investigate day care centers and to impose certain sanctions and penalties on a person who operates a day care center without a license or who violates a provision of licensure or a minimum standard for the operation of a day care center promulgated by DHFS by rule.

This bill transfers from DHFS to DWD the authority to license day care centers, to promulgate rules establishing minimum requirements for day care center licensure and minimum standards for day care center operation, to inspect and investigate day care centers, and to impose sanctions and penalties for operating a day care center without a license or for violating a provision of day care center licensure or a minimum standard for the operation of a day care center.

Under current law, before DHFS may issue a license to a day care center that provides care and supervision for nine or more children, the day care center must pay a biennial fee of \$30.25, plus a biennial fee of \$8.47 per child, based on the number of children that the day care center is licensed to serve. This bill increases that per child fee to \$16.94.

*** ANALYSIS FROM -1522/2 ***

The bill also **HEALTH AND HUMAN SERVICES**

CHILDREN

Under current law, DHFS may license a person to operate a day care center, a county department of human services or social services (county department) may certify a day care provider for reimbursement under the Wisconsin Works (W-2) program, and a school board may establish or contract for the provision of day care programs for children. *for reimbursement under the Wisconsin Works Program* This bill requires DWD to provide a child care quality rating system that rates the quality of the child care provided by a child care provider that is licensed by DHFS, certified by a county department, or established or contracted for by a school board, and to make the rating information provided under that system available to parents, guardians, and legal custodians of children who are recipients, or prospective recipients, of care and supervision from a child care provider, including making that information available on DWD's Internet site. *must be made*

WISCONSIN WORKS

Under current law, a child care subsidy is available under the W-2 program, which is administered by DWD, to an individual who needs child care to maintain employment or pursue basic or technical college education. Under this child care subsidy program, DWD reimburses child care providers directly and distributes funds to county departments and American Indian tribal governing bodies for child care services provided to children of migrant workers and to children of W-2 participants. Under the statutes county departments are required to set maximum reimbursement rates for child care providers that provide child care services under the child care subsidy program. This bill provides that DWD may establish a tiered reimbursement system for the child care subsidy program. *Under such a system,* a child care provider would be reimbursed at a rate that is based on the child care quality rating system established by DWD under the bill that rates the quality of the

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child care provided by a child care provider. The amount paid to a child care provider under the tiered reimbursement system may exceed the maximum reimbursement rate set by the county department.

*** ANALYSIS FROM -1115/1 ***

HEALTH AND HUMAN SERVICES

CHILDREN

Current law specifies age-related basic maintenance rates that are paid to a foster parent for the care and maintenance of a child. Currently, those rates are \$302 for a child under five years of age, \$329 for a child 5 to 11 years of age, \$375 for a child 12 to 14 years of age, and \$391 for a child 15 years of age or over. This bill increases those rates to \$332 for a child under five years of age, \$362 for a child 5 to 11 years of age, \$413 for a child 12 to 14 years of age, and \$430 for a child 15 years of age or over.

*** ANALYSIS FROM -0265/3 ***

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under one program under current law, low-income individuals who are eligible to receive federal supplemental security income (SSI) because they are blind, disabled, or 65 years of age or older are eligible to receive a state supplemental payment. Under another program under current law, an individual who receives SSI or state supplemental payments, or both, and who is a custodial parent of a dependent child is eligible to receive monthly payments for the support of the dependent child. DHFS administers both of the programs. This bill expressly provides that DHFS shall administer both programs, and authorizes DHFS to promulgate rules to guide the administration of eligibility determinations and benefits payments under the programs.

DHFS administers a number of public assistance programs under current law under which persons who satisfy eligibility criteria receive financial, health care, or other types of assistance. This bill specifically authorizes DHFS to recover benefits incorrectly paid under any of the assistance programs that it administers, and provides that DHFS may recover overpayments by reducing the benefits of a family or individual who received the overpayments and who is still receiving benefits. The bill authorizes DHFS to specify by rule other methods for recovering incorrectly paid benefits, and provides for recovery of these incorrectly paid benefits through a state income tax refund setoff process.

Under current law, DWD is required to investigate suspected fraudulent activity on the part of participants in the Aid to Families with Dependent Children (AFDC) program and participants in the Wisconsin Works (W-2) program and to conduct activities to reduce payment errors in W-2. DHFS is authorized to contract with DWD for DWD to investigate suspected fraudulent activity and to conduct activities to reduce payment errors in two programs administered by DHFS: the MA and the food stamp program.

This bill maintains the requirement for DWD to investigate fraud and conduct error reduction activities and the authorization for DHFS to contract with DWD, but

subsidized guardianship, or

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adds an alternative fraud and error reduction scheme for both departments. Under the bill, DHFS is also required to investigate suspected fraudulent activities and to conduct activities to reduce payment errors in the programs that it administers and DWD is authorized to contract with DHFS to investigate suspected fraud and conduct payment error reduction activities in the programs that DWD administers. Thus, each department must either conduct its own investigation and error reduction activities or contract with the other department to do so. In addition, the bill adds three DHFS-administered programs to the programs for which fraudulent activity must be investigated and payment error reduction activities must be conducted: the Badger Care health care program, the program under which DHFS provides state supplemental payments to persons eligible to receive SSI, and the program under which DHFS makes monthly payments for the support of dependent children to custodial parents who are receiving SSI or state supplemental payments.

This bill also changes from annual to continuing a DWD general purpose revenue appropriation that is used primarily for the administration and benefit costs of W-2. The unencumbered balance of an annual appropriation lapses to the fund from which the moneys are appropriated at the end of a fiscal year; continuing appropriation balances do not lapse at the end of a fiscal year or at the end of a biennium and are expendable until fully depleted.

CHILDREN

Under current law, DHFS or a county department of human services or social services (county department) provides monthly payments to foster parents, treatment foster parents, kinship care relatives, and long-term kinship care relatives who provide care and maintenance for children. DHFS also provides adoption assistance, including monthly maintenance payments, to adoptive parents to assist in the cost of the care of children with special needs. This bill permits DHFS or a county department to recover an overpayment of foster care, treatment foster care, kinship care, long-term kinship care, and adoption assistance payments from a foster parent, treatment foster parent, kinship care relative, long-term kinship care relative, or adoptive parent who continues to receive those payments by reducing those payments. The bill also permits DHFS to specify by rule other methods for recovering those payments.

*** ANALYSIS FROM -1417/P4 ***

HEALTH AND HUMAN SERVICES

CHILDREN

This bill creates a \$20 child abuse prevention and child mental health surcharge and requires a court to impose the surcharge on each misdemeanor offense or count and on each felony offense or count when it imposes a sentence or places a person on probation. Of the surcharge \$6 will be transferred to the Child Abuse and Neglect Prevention Board for distribution as grants to organizations, and \$14 will be transferred to DHFS for grants to counties with populations of less than 500,000 and to tribal governing bodies in the counties to promote collaborative programs that provide prevention, intervention, and treatment for alcohol and other drug abuse problems. If an inmate in a state prison or a person sentenced to a state prison has

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not paid the child abuse prevention and child mental health surcharge, DOC must assess and collect the amount owed from the inmate's wages or other moneys.

*** ANALYSIS FROM -1625/3 ***

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, \$340,000 in federal Temporary Assistance for Needy Families (TANF) block grant moneys are transferred from DWD to the Child Abuse and Neglect Prevention Board (CANPB) in each fiscal year. This bill eliminates that transfer and instead appropriates general purpose revenues to the CANPB for grants to organizations for the establishment of child abuse and neglect prevention programs, early childhood family education centers, and right from the start

*** ANALYSIS FROM -1921/1 ***

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, the Office of Justice Assistance in DOA is required to provide \$185,000 annually to DHFS for grants for children's community programs, including grants to the Career Youth Development Center in Milwaukee, the Milwaukee Police Athletic League, court-appointed special advocate programs, and the Children's Safe House Child Care Program in Kenosha County. This bill eliminates those grants.

*** ANALYSIS FROM -1089/5 ***

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

This bill requires DHFS to levy, enforce, and collect ~~an~~ assessment on health maintenance organizations (HMOs) that contract with DHFS to provide health care to recipients of Medical Assistance (MA) or Badger Care. The assessment is 6 percent of each HMO's annual gross revenues, based on statements that each HMO must file with OCI annually by March 1. Under the bill, the first assessment is due on March 31, 2006. The assessments must be deposited into the MA trust fund. *must* In addition, the bill requires DHFS to distribute, *from which* from the MA trust fund, moneys in each fiscal year to supplement MA payments to HMOs that provide services to MA recipients and Badger Care payments to HMOs that provide services to Badger Care recipients, to assist in meeting increasing costs, more intense use of services by MA and Badger Care recipients, and other reimbursement needs that DHFS identifies. *and* DHFS must establish procedures and requirements for levying the assessment.

*** ANALYSIS FROM -0347/2 ***

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

HEALTH sub

Under current law, DHFS must establish minimum standards for, register, and otherwise regulate sanitarians (persons who apply environmental control measures under the public health laws to prevent and control preventable diseases).

This bill transfers the duty to regulate sanitarians from DHFS to DRL.

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***** ANALYSIS FROM -0315/2 *****
HEALTH AND HUMAN SERVICES

HEALTH

Current law requires DHFS to implement a statewide lead poisoning or lead exposure prevention and treatment program. DHFS may designate local health departments as DHFS's agents for administering and enforcing elements of the program.

Under current law if DHFS is notified that a child under six years of age has an elevated blood lead level, DHFS must ensure that an investigation is conducted of the dwelling where the child resides and of any educational or child care facility the child attends. DHFS may also investigate a dwelling or educational or child care facility if a child under six years of age who resides in the dwelling or attends the facility has blood lead poisoning or lead exposure. If DHFS determines that a lead hazard is present in a dwelling or educational or child care facility, DHFS may take a variety of actions, including notifying the occupants of the dwelling or facility, notifying the owner of the dwelling or facility, posting notice of the lead hazard, or ordering the owner of the dwelling or facility to reduce or eliminate the hazard. If DHFS notifies an owner of a dwelling that a child under six years of age who resides in the dwelling has an elevated blood lead level, the owner must obtain either a certificate of lead-free status or a certificate of lead-safe status for the dwelling. DHFS must promulgate rules specifying the standards for obtaining certificates of lead-free or lead-safe status and the duration for which such certificates are valid. DHFS may not authorize issuance of successive certificates of lead-safe status valid for less than 12 months unless the applicant for the certificate makes a special showing of need for a certificate that is valid for less than 12 months. Finally, DHFS must promulgate rules for maintaining a statewide registry of all certificates of lead-free or lead-safe status that have been issued.

This bill provides that if DHFS determines that a lead hazard is present in any dwelling or educational or child care facility, the local health department must issue and DHFS may issue an order requiring the owner of the premises to reduce or eliminate the lead hazard. The bill eliminates the requirement that the owner of a dwelling obtain a certificate of lead-free or lead-safe status if DHFS notifies the owner that a child under six years of age who resides in the dwelling has an elevated blood lead level. Finally, the bill eliminates the requirement that DHFS promulgate rules related to issuing certificates of lead-safe status that are valid for less than 12 months.

***** ANALYSIS FROM -0060/1 *****
HEALTH AND HUMAN SERVICES

HEALTH

Under current law, DHFS funds certain preventative health care services for low-income, underinsured, and uninsured women under the Well-Woman Program. Current law requires that DHFS charge women whose income exceeds 150 percent of the federal poverty line a copayment for breast cancer screenings provided under the Well-Woman Program.

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This bill eliminates the copayment for breast cancer screenings under the Well-Woman Program and provides that women whose income exceeds 250 percent of the federal poverty line are not eligible for breast cancer screenings under the Program. The bill also allows DHFS to reimburse providers for case management services under the Well-Woman Program.

*** ANALYSIS FROM -0113/2 ***

HEALTH AND FAMILY SERVICES

HEALTH

Under current law, DHFS makes grants to entities, including technical colleges, to provide training programs and examinations that fulfill the emergency medical technician — basic licensure and relicensure requirements.

This bill directs DHFS to provide the emergency medical technician — basic training and examination funding to ambulance service providers rather than the entities that provide the training and administer the examinations. The bill further requires ambulance service providers to report to DHFS on expenditures of the funds as a condition of relicensure and requires the Emergency Medical Services Board to recommend a formula for disbursing the training and examination funds among ambulance service providers.

*** ANALYSIS FROM -0976/2 ***

COMMERCE AND ECONOMIC DEVELOPMENT

BUILDINGS AND SAFETY

Under current law, DHFS administers a program to provide mental health services to homeless individuals with chronic mental illness. This bill transfers the program to the Department of Commerce.

HEALTH AND HUMAN SERVICES

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, DHFS may allocate up to \$45,000 in general purpose revenues in each fiscal year, on a matching basis, to public or nonprofit private entities to provide mental health services ~~specified under federal law~~ to homeless individuals with chronic mental illness.

~~not~~ This bill transfers to the Department of Commerce the program ~~under which general purpose revenues are allocated~~ to provide mental health services to homeless individuals with chronic mental illness.

*** ANALYSIS FROM -1416/1 ***

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law, DHFS must administer, as formerly required by federal law, a revolving fund to make two-year loans to establish programs to provide housing for groups of persons who are recovering from alcohol or other drug abuse.

~~not~~ This bill eliminates the group home revolving loan fund and transfers the balance remaining in the ~~program revenue appropriation for the loan fund~~ to the appropriation for substance abuse prevention and treatment federal block grant aids.

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*** ANALYSIS FROM -0349/5 ***

HEALTH AND HUMAN SERVICES**MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES**

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This bill requires DHFS to award general purpose revenues in fiscal years 2005-06 and 2006-07 as grants for community programs, to ~~organizations or groups of organizations~~ to provide screening, assessment, and treatment for female prisoners and offenders from Milwaukee County who have committed nonviolent crimes, to assist in community reintegration, and to provide at-risk assessments and support services for the dependent children of the prisoners and offenders.

The bill also requires DHFS, from program revenue received from the child abuse prevention and child mental health surcharge on misdemeanors and felonies, to award grants to counties with populations of less than 500,000 and to tribal governing bodies in the counties. ~~The grants are for promotion of collaboration between county departments of human services and tribes among county departments of social services, community programs, and tribal agencies, for intervention for the mental health and substance abuse screening, assessment, and treatment of abused and neglected children and their parents for whom the county departments or tribal agencies determine there is a need for services.~~

*** ANALYSIS FROM -0345/1 ***

HEALTH AND HUMAN SERVICES**MEDICAL ASSISTANCE**

Under current law, DHFS must bill a county department of developmental disabilities services for services that a center for the developmentally disabled provides to a resident of that county. For a center resident who is eligible for benefits under the Medical Assistance (MA) program, federal Medicaid Program law requires that an independent professional review periodically determine if his or her condition is, instead, appropriate for community care. For persons whose care is determined to be appropriate in the community but who continue to receive services in the state centers for the developmentally disabled, including persons for whom the cost of community care would be less than \$184 per day, DHFS must bill a county department of developmentally disabled services at \$48 per day. (The \$184 per day amount is the rate paid to counties before July 1, 2000, for services provided under the federal Medicaid waiver Community Integration Program to relocate persons from the state centers for the developmentally disabled, also known as "CIP 1A"; the current rate is \$325 per day.)

This bill changes the reference to the obsolete CIP 1A rate of \$184 per day in describing MA recipients who are residents in state centers for the developmentally disabled but whose conditions are appropriate for community care. The reference under the bill is to the current rate paid for services under CIP 1A.

*** ANALYSIS FROM -0356/3 ***

HEALTH AND HUMAN SERVICES**MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES**

Under current law, DHFS annually awards grants of general purpose revenues to applying private, nonprofit agencies and county departments of social services,

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human services, community programs, or developmental disabilities services, for the purposes of recruiting, training, monitoring, and assisting guardians for persons who are adjudicated incompetent. Grants are awarded, in part, on the basis of need for recruitment, training, monitoring, and assistance of guardians for persons in the applicants' communities.

no # This bill eliminates that part of the Guardianship Grant Program *and* ~~(GAP)~~ under which awardees must recruit individuals or organizations to act as guardians and monitor the performance of recruited guardians. *and* The bill eliminates community need for guardians as a basis for awarding guardianship grants ~~and makes minor changes to GAP.~~

*** ANALYSIS FROM -0041/2 ***

HEALTH AND HUMAN SERVICES**MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES***initial*

Under current law, DHFS must distribute federal funds as mental health systems change grants, to ~~initially~~ phase in recovery-oriented mental health system changes, strategies for prevention and early intervention, and consumer and family involvement for individuals with mental illness. DHFS must eliminate funding for each grant recipient after three years and must require that community mental health services developed under a grant are continued after funding termination by use of savings made available from strategies developed under the grant.

no # This bill eliminates the three-year limitation on the funding for a recipient of a mental health systems change grant and the requirement that community mental health services developed under a grant be continued after grant termination by use of savings made available under the grant.

*** ANALYSIS FROM -0042/1 ***

HEALTH AND HUMAN SERVICES**MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES**

and Under current law, DHFS must annually reduce by \$500,000 the amount by which accumulated expenses of providing care for patients of the state mental health institutes exceed the revenues received for providing that care, until the expenses are in balance with the revenues. DHFS also must implement a plan, ~~approved by DOA,~~ to assure that there are sufficient revenues to cover anticipated expenditures for providing care for mental health institute patients. *these* Beginning October 1, 1993, DHFS must report to DOA every three months concerning implementation of ~~this~~ plan. Lastly, DHFS must report to JCF of the legislature by December 31 annually to identify the amount of expenses that exceed revenues and describe actions of DHFS to reduce those expenses. *the*

no # This bill eliminates requirements for DHFS to reduce the expenses of providing care to patients of mental health institutes that exceed revenues, to implement a DOA-approved plan to assure sufficient revenues to cover anticipated expenses, and to report to DOA and to JCF concerning the revenues and expenses.

*** ANALYSIS FROM -1635/3 ***

HEALTH AND HUMAN SERVICES**PUBLIC ASSISTANCE**

Under current law, DHFS uses general purpose revenue (GPR) and federal moneys received under the federal Temporary Assistance for Needy Families (TANF) block grant program for providing grants to organizations that provide various types of domestic abuse services; for providing grants to nonprofit corporations and county departments of human services or social services for programs to prevent and reduce youth violence, the incidence of youth alcohol and other drug abuse, and the incidence of nonmarital pregnancy; and for providing grants to American Indian tribes and bands for providing services related to vocational preparation and reducing high school dropout rates, pregnancy prevention, and developing skills to increase economic self-sufficiency. This bill maintains the funding level for these programs but replaces the TANF funding with funding from GPR.

OTHER HEALTH AND HUMAN SERVICES

Under the Domestic Abuse Grants Program in current law, DHFS provides grants to organizations that provide various types of domestic abuse services, such as shelter facilities and victim counseling. In addition to providing general grant authority, current law directs DHFS to provide grants in specific amounts to specific organizations, such as a grant in each fiscal year to the Wisconsin Coalition Against Domestic Violence for the cost of a staff person to provide assistance in obtaining legal services. The bill provides that under the program DHFS must provide a grant of \$563,500 in each fiscal year to the Refugee Family Strengthening Project for providing domestic abuse services to the refugee population, including the cost of hiring bilingual staff persons, especially those who speak Hmong.

*** ANALYSIS FROM -0270/1 ***

HEALTH AND HUMAN SERVICES**OTHER HEALTH AND HUMAN SERVICES**

The Health Insurance Risk-Sharing Plan (HIRSP) under current law provides major medical health insurance coverage for persons who are covered under Medicare because they are disabled, persons who have tested positive for human immunodeficiency virus (HIV), persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health condition, as well as persons who do not currently have health insurance coverage, but who were covered under certain types of health insurance coverage for at least 18 months in the past. Specifically excluded from coverage under HIRSP are persons who are eligible for coverage under ~~the Medical Assistance~~ (MA) program, which is a program funded partially with state moneys and partially with federal moneys providing comprehensive, as well as various types of limited, health care services to persons who are eligible, which is generally based on a person's income.

This bill provides that persons who are eligible for only certain limited services provided under MA are not ineligible for HIRSP coverage because of their eligibility for those MA services, which include family planning services for low-income women between the ages of 15 and 44 years; payment of Medicare premiums, deductibles,

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Insert 63-1 cont'd

and coinsurance for persons eligible for Medicare who meet the income and resource limitations; emergency medical services for persons who are not U.S. citizens; health care services for persons with tuberculosis who meet the income and resource requirements for the federal Supplemental Security Income program; and outpatient prenatal care for pregnant women who meet the income limitation.

The bill also specifically provides that persons who are eligible for the following programs or benefits are ineligible for HIRSP coverage: ~~the BadgerCare health care program commonly known as BadgerCare~~ under which low-income families and children who do not reside with a parent receive comprehensive health care services; a program providing long-term care for children with disabilities and their families, including in-home habilitation services for children with autism spectrum disorders; the community integration programs commonly known as "CIP IA," "CIP IB," and "CIP II," under which persons who reside in state centers for the developmentally disabled or other institutions are relocated into their communities and provided home and community-based services; the waiver program under the Long-Term Support Community Options Program (commonly known as "COP-Waiver"), under which persons who are elderly, physically or developmentally disabled, chronically mentally ill, or chemically dependent receive long-term community support services; the Program for All-inclusive Care for the Elderly (known as PACE) or the Wisconsin Partnership Program (known as Partnership), both of which are managed care programs providing acute health and long-term care for elderly and disabled individuals who are eligible for nursing home care; and medical assistance provided under the Family Care Program, under which financial assistance is provided for long-term care and support items to persons who who have physical or developmental disabilities or infirmities of aging and who meet certain financial and functional criteria.

*** ANALYSIS FROM -0312/2 ***

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Currently, DHFS administers Family Care, a program available in several counties that combines several sources of funding to provide a flexible long-term care benefit called the family care benefit. A person must be at least 18 years of age and have a physical disability, a developmental disability, or infirmities of aging to qualify for the family care benefit. In addition, a person must meet both functional and financial eligibility requirements. Currently, the family care benefit is an entitlement for persons who are eligible for the Medical Assistance (MA) program and meet the functional eligibility requirements because they are functionally eligible at the comprehensive or intermediate level or, under certain circumstances, because they were receiving long-term care benefits when the family care benefit was introduced. By January 1, 2006, DHFS must extend entitlement to persons who are not MA eligible but who are functionally eligible at the comprehensive level or are in need of protective services or protective placement and functionally eligible at the intermediate level, as well as to certain persons who are not MA eligible but are functionally eligible because they were receiving long-term care benefits when the Family Care program was introduced.

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This bill delays until January 1, 2008, the requirement for making the family care benefit an entitlement for persons who are not eligible for MA.

*** ANALYSIS FROM -0269/1 ***

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

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The Health Insurance Risk-Sharing Plan (HIRSP) under current law provides major medical health insurance coverage for persons who are covered under Medicare because they are disabled, persons who have tested positive for human immunodeficiency virus (HIV), and persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health condition, as well as persons who do not currently have health insurance coverage, but who were covered under certain types of health insurance coverage for at least 18 months in the past (all called eligible persons). While an eligible person who is not covered under Medicare pays a deductible ~~varying~~ from \$500 to \$2,500, ~~generally depending on type of coverage and household income~~, an eligible person with Medicare coverage pays a deductible that is equal to the deductible under part A of Medicare. *current law provides*

The statutes provide that HIRSP will pay at least 80 percent of an eligible person's covered costs after those costs exceed the person's deductible, and will pay 100 percent of covered costs after the aggregate of covered costs not paid by HIRSP and the deductible exceeds \$2,000 for an eligible person not covered under Medicare and \$500 for an eligible person covered under Medicare. Currently, however, the deductible under part A of Medicare exceeds \$500. Thus, under the statutes, HIRSP will begin paying 100 percent of covered costs incurred by an eligible person covered under Medicare before the person has paid the deductible. This bill corrects the inconsistency and provides that HIRSP will pay 100 percent of covered costs for an eligible person covered under Medicare after the covered costs exceed the lesser of \$2,000 or the person's deductible, which is equal to the deductible under part A of Medicare.

*** ANALYSIS FROM -0578/P5 ***

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

The Health Insurance Risk-Sharing Plan (HIRSP) under current law provides major medical health insurance coverage for persons who are covered under Medicare because they are disabled, persons who have tested positive for human immunodeficiency virus (HIV), and persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health condition. Also eligible for coverage are persons who do not currently have health insurance coverage, but who were covered under certain types of health insurance coverage for at least 18 months in the past. DHFS and a board of governors (board) administer HIRSP.

CMH

Under current law, HIRSP payment rates for prescription drugs are the same as payment rates under the Medical Assistance (MA) program. This bill allows

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DHFS, with the approval of the board, to set HIRSP prescription drug payment rates.

Under current law, DHFS is allowed by rule to establish for prescription drug coverage copayment amounts, coinsurance rates, and copayment and coinsurance out-of-pocket limits over which HIRSP will pay 100 percent of the covered costs incurred by the covered person during the remainder of the calendar year. This bill allows DHFS to establish a three-tiered copayment structure for prescription drug benefits. This bill allows DHFS to establish the out-of-pocket limit for prescription drug coverage at \$300 for persons who are also covered under Medicare and at \$300 or \$400 for other covered persons, depending on coverage selected. This bill allows DHFS to establish that only certain copayment amounts count toward the out-of-pocket limit. This bill also allows DHFS to change the out-of-pocket limit by administrative rule.

Under current law, DHFS must promulgate administrative rules to set or adjust HIRSP premium rates, insurer assessments, and provider payment rate. This bill eliminates the requirement that DHFS set or adjust these amounts by administrative rules.

*** ANALYSIS FROM -1525/3 ***

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law, DHFS may request from health insurers information to enable DHFS to identify ~~medical assistance~~ beneficiaries who are eligible, or who would be eligible as dependents, for health insurance coverage. An insurer that receives a request must provide the information within a certain period of time. Under the bill, DHFS must provide any information that it receives from a health insurer to DWD for purposes of DWD's program related to child and spousal support, paternity establishment, and medical support liability. DWD may allow county and tribal child support agencies access to the information, subject to use and disclosure restrictions under current law, and must consult with DHFS regarding procedures to safeguard the confidentiality of the information.

*** ANALYSIS FROM -1744/2 ***

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law, a long-term care provider, such as a residential care facility or a personal care worker agency, must obtain the Wisconsin arrest and conviction record of each caregiver who works for the provider. A provider may not employ or contract with a caregiver who has been convicted of a serious crime. If a caregiver is not a Wisconsin resident or resided outside Wisconsin before serving as a caregiver, a provider may request that the caregiver provide fingerprints that may be used to search criminal history records maintained by the Federal Bureau of Investigation (FBI). A provider may share criminal history information concerning a caregiver with other providers.

This bill provides that if a long-term care provider obtains information from the FBI regarding a caregiver's arrest or conviction record, the provider may use the

information only to determine whether the caregiver is disqualified from serving as a caregiver. (A provider may still share criminal history information concerning a caregiver with other providers.) The bill further provides that a provider is immune from civil liability to a caregiver for using arrest and conviction information provided by the FBI to make an employment determination regarding the caregiver. The limitation on use of arrest and conviction information and the civil immunity provision apply only to use of arrest and conviction information that a provider requests from the FBI before September 30, 2007.

*** ANALYSIS FROM -0309/4 ***

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Currently, DHFS and certain providers of direct care or treatment services must conduct background checks of caregivers. DHFS may charge a fee for conducting background checks and for providing information on caregivers to providers. The fee may not exceed the reasonable costs of conducting the background checks. The revenues from these fees along with revenues from other licensing and regulatory fees are appropriated for licensing and regulatory activities conducted by DHFS.

Also under current law, DHFS must investigate allegations of abuse, neglect, or misappropriation by a caregiver employed by certain providers of direct care or treatment services.

This bill authorizes DHFS to use revenues from background check, licensing, and regulatory fees to investigate abuse, neglect, or misappropriation by caregivers. The bill eliminates restrictions on the amounts of fees for conducting background checks and providing information to caregivers.

*** ANALYSIS FROM -1707/3 ***

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

This bill authorizes DHFS, upon the request of a county board, to provide assistance in recruiting and training people to provide personal care services. Personal care services are medically oriented activities that assist a person with activities of daily living, such as assistance with bathing, toileting, skin care, and meal preparation.

LOCAL GOVERNMENT

Under current law, the state, ~~regional planning commissions, federally recognized Indian tribes and bands, and local units of government, including municipalities, counties, school districts, and other special purpose districts,~~ may enter into intergovernmental cooperation agreements for the receipt or furnishing of services or joint exercise of powers. ~~As part of an intergovernmental cooperation agreement, these units of government may create a commission to perform the service or exercise the joint power.~~

This bill specifies that if ~~such~~ a commission is created, ~~the employees of the commission are not employees of the underlying unit of government that created the commission, unless the contract creating the commission specifies otherwise.~~ *under such an agreement*

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*** ANALYSIS FROM -0748/1 ***

HEALTH AND HUMAN SERVICES**OTHER HEALTH AND HUMAN SERVICES**

Under current law, the state registrar or a local registrar must charge \$12 for issuing either a certified copy or an uncertified copy of a birth certificate. Of this sum, \$7 must be forwarded to the secretary of administration for deposit in program revenue appropriations for the Child Abuse and Neglect Prevention Board (CANPB), to be used for CANPB expenses, for the Early Childhood Family Education Center Grant Program, for technical assistance, and for grants to organizations for services related to child abuse and neglect. This bill increases the fee for issuance of a certified or uncertified copy of a birth certificate from \$12 to \$15, and increases, from \$7 to \$9, the amount that must be forwarded to the secretary of administration for deposit in program revenue appropriations of CANPB.

Also under current law, the state registrar must charge, for the filing of a birth certificate more than 365 days after the birth, \$20 plus a fee of \$5 for issuance of the birth certificate. This bill increases, from \$5 to \$15, the fee for issuance of a certified or uncertified copy of a birth certificate when filing for the birth certificate is more than 365 days after the birth, and clarifies that \$9 of the \$15 must also be forwarded for deposit in appropriations for CANPB.

*** ANALYSIS FROM -1863/2 ***

LOCAL GOVERNMENT

tax incremental district
This bill creates local levy limits that apply to cities, villages, towns, and counties (political subdivisions) for the property tax levies that are imposed *only* in December 2005 and 2006. Generally, the bill prohibits a city, village, or town (municipality) from increasing its levy by a percentage that exceeds the sum of 60 percent of the percentage change in the equalized assessed value of new construction located in the region in which the municipality is located and the rate of inflation *not including any such equalized value changes in a tax incremental district (TID)* *stays*. Each municipality is assigned to a region by DOR based on the county in which the municipality is located, and each region consists of several counties. *In addition,* the calculation of a municipality's levy does not include any tax increment that is generated by a TID.

generally
YES Generally, with regard to a county, the bill prohibits a county from increasing its levy by a percentage that exceeds the sum of 60 percent of the percentage change in the equalized assessed value of new construction located in the county and the rate of inflation. *governing body adopts a*

The bill contains exceptions to the levy limit for political subdivisions that transfer the provision of services, for cities or villages that annex town territory, and for a county levy that relates to a county Children with Disabilities Education Board. The levy limit *may also* be exceeded if a political subdivision's resolution to do so *is* approved by a supermajority of at least 75 percent of its governing body or, if a resolution is approved by a lower majority, if *such a* resolution is *also* approved in a referendum. A town with a population of less than 2,000 may exceed the levy limit if a resolution to do so is approved by an annual or special town meeting. *The levy limits do not apply to a property tax levy that is imposed after December 2006.* *stays*

Under the bill, a political subdivision's levy limit does not generally apply to any amounts levied to pay debt service on debt authorized by a political subdivision, ~~including general obligation debt service, refunding debt, and interest on outstanding obligations.~~ *← stays*

Also under this bill, the limit otherwise applicable does not apply to the amount that a first class city (presently only Milwaukee) levies for school purposes. Currently, a first class city school district is not authorized to levy a tax; the city in which the school district is located levies a tax for school purposes at the direction of the school board.

*** ANALYSIS FROM -1229/5 ***

LOCAL GOVERNMENT

Under current law, the Expenditure Restraint Program provides an annual state aid payment to any municipality that has a property tax rate greater than five mills and that limits the growth of its municipal budget according to a formula based, generally, on 60 percent of the percentage change in the equalized assessed value of new construction located in the municipality and on the rate of inflation.

This bill eliminates the Expenditure Restraint Program and replaces it with the Municipal Levy Restraint Program. The Municipal Levy Restraint Program provides annual state aid payments, beginning in 2007, to any municipality that has a property tax rate greater than five mills and that limits its property tax levy to an amount that is no greater than the maximum allowable levy according to a formula that is based, generally, on 60 percent of the percentage change in the equalized assessed value of new construction located in the region in which the municipality is located and on the rate of inflation. For purposes of determining the eligibility for and the amount of the payments under the program, each municipality is assigned to a region based on the county in which the municipality is located and each region consists of several counties.

*** ANALYSIS FROM -1231/6 ***

LOCAL GOVERNMENT

Under current law, the Expenditure Restraint Program provides an annual state aid payment to any municipality that has a property tax rate greater than five mills and that limits the growth of its municipal budget according to a formula based, generally, on 60 percent of the percentage change in the equalized assessed value of new construction located in the municipality and on the rate of inflation.

This bill creates the County Levy Restraint Program which provides annual state aid payments, beginning in 2007, to any county that limits its property tax levy to an amount that is no greater than the maximum allowable levy according to a formula that is based, generally, on 60 percent of the percentage change in the equalized assessed value of new construction located in the county and on the rate of inflation.

*** ANALYSIS FROM -1018/2 ***

LOCAL GOVERNMENT

Under current law, cities, villages, and towns (municipalities) may enter into agreements to share revenues from taxes and special charges with other municipalities and with federally recognized American Indian tribes or bands. *No*

if the signatory to
~~municipality may enter into an agreement with one or more municipalities unless the municipality is contiguous to at least one other municipality that enters into the agreement.~~ *signatory*

A municipal revenue sharing agreement must meet a number of conditions. *Among others,* It must:

1. Be for a minimum term of ten years.
2. Describe the boundaries ~~of the area~~ *within which the revenues are to be shared* ~~in the agreement.~~
3. Describe the ~~formula or other means~~ *method* of determining the amount of revenues to be shared ~~under the agreement.~~
4. ~~Specify the date or dates upon which revenues agreed to be shared are to be paid to the appropriate municipality.~~
5. ~~Specify how the agreement may be invalidated after the expiration of the minimum ten-year term.~~

An agreement under current law may address any other necessary and proper matters, including any agreements with respect to services or agreements with respect to municipal boundaries. Current law also requires that at least 30 days before entering into an agreement the participating municipality must hold a public hearing on the proposed agreement (public hearing notice requirements are specified). In addition, current law provides that an advisory referendum on a proposed agreement may be called either by the governing body of the participating municipality or by the qualified electors of a participating municipality. In the latter case, a petition, signed by a number of qualified electors equal to at least 10 percent of the votes cast for governor in a municipality at the last gubernatorial election must be timely filed. Time limits and notice requirements are provided for the advisory referendum.

This bill modifies current law by authorizing a county to enter into a revenue sharing agreement ~~with another county or a municipality or federally recognized American Indian tribe or band.~~ *and expands* The bill also modifies current law by expanding the types of revenues that may be subject to ~~such a revenue sharing agreement.~~ *Under the bill,* fee revenues and payments received from the state ~~may also be included in the agreements.~~ *to include*

*** ANALYSIS FROM -1258/5 ***

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

license
 This bill increases the fees for the following fish and game licenses by \$6 or more: resident deer hunting licenses, resident archer hunting licenses, resident sports licenses, and husband and wife resident fishing licenses. A resident sports ~~licence~~ *license* is a combination license that includes the privileges of resident deer, small game, and fishing licenses. A husband and wife resident fishing license confers the privileges of an annual resident fishing license on a married couple who are residents. The bill increases or decreases the fees for other fish and hunting licenses and stamps and for duplicates of certain licenses by \$3 or less.

The bill also increases the wildlife damage surcharge, which is added to the base fee for most hunting licenses, from \$1 to \$2. The bill increases the wildlife

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damage surcharge that is issued for conservation patron licenses from \$2 to \$4. The wildlife damage surcharge is generally used for the funding of the wildlife damage program that compensates farmers for damages caused by deer, geese, bear, and turkey. A conservation patron license is a combination license that includes the privileges under a sports license, plus additional privileges authorized by fishing and hunting licenses and stamps. For residents, it also includes the privileges of a trapping license.

Under current law, no person may hunt waterfowl or pheasant without a license authorizing the hunting of small game (underlying license) that is issued by DNR and a waterfowl or pheasant hunting stamp, also issued by DNR, which is attached to or imprinted on the license. DNR charges a fee for both the hunting license and the stamp. This bill creates a grouse and woodcock hunting stamp which, with certain exceptions, must be attached to, or imprinted on, the underlying license in order for a person to hunt ruffed grouse or woodcock. The bill establishes a fee for this stamp. The moneys received by DNR from these fees is appropriated for the development and management of the ruffed grouse and woodcock populations within the state.

The bill requires that lake sturgeon that are taken by hook and line, instead of by spearing, be tagged with a sturgeon hook and line tag issued by DNR. The bill establishes a fee for this tag. The moneys received by DNR from these fees is appropriated for managing the lake sturgeon fishery in inland lakes.

Holders of conservation patron licenses are not required to purchase grouse and woodcock hunting stamps or sturgeon hook and line tags.

Under current law, DNR issues wild turkey hunting licenses and tags according to a cumulative preference system. Under the system, priority is given to license applicants based on residency, land ownership, and the receipt of licenses for earlier seasons. One tag is issued for each license. Before using the preference system, DNR allocates a certain number of wild turkey hunting tags for each wild turkey hunting zone that it establishes and for certain time periods it establishes during the wild turkey hunting seasons. Applicants apply for a specific zone or specific time period and the preference system is used separately in each zone and for each time period. In a zone where or for a time period when the number of applicants does not exceed the number of tags available and there are surplus tags, the bill authorizes DNR to issue these surplus tags. The bill establishes a fee for these tags.

*** ANALYSIS FROM -0384/1 ***

~~NATURAL RESOURCES~~

~~FISH, GAME, AND WILDLIFE~~

Under current law, with certain exceptions, no person born on or after January 1, 1973, may obtain a hunting approval from DNR without obtaining a certificate of accomplishment from DNR. DNR issues certificates of accomplishment to persons who successfully complete DNR's hunter education program or bow hunter education program. Current law provides that DNR may not charge a fee for the course of instruction under either education program, although DNR may reimburse instructors for allowable costs up to \$5 for each student who receives instruction.

KSF
This bill requires DNR to charge a fee for its hunter education and bow hunter education courses. ~~The bill also authorizes DNR to offer advanced hunter education and bow hunter education courses and allows DNR to charge an additional fee for the advanced courses.~~ The bill provides that each instructor may collect the fee and retain allowable costs up to \$5 for each student who receives instruction, rather than receive reimbursement from DNR for these costs, as under current law. The instructor must remit the balance of the fee to DNR.

in addition to *** ANALYSIS FROM -1491/2 ***

~~NATURAL RESOURCES~~

~~FISH, GAME, AND WILDLIFE~~

This bill increases the fees for commercial fishing and fishing guide licenses issued to residents and nonresidents and for wholesale fish dealer licenses. The bill also authorizes DNR to charge fees for certain permits that it issues in regulating the commercial harvesting of certain species of fish.

*** ANALYSIS FROM -1379/1 ***

~~NATURAL RESOURCES~~

~~FISH, GAME, AND WILDLIFE~~

patron
Under current law, DNR may issue, at a reduced fee, a conservation patron license to a resident or a nonresident who is under the age of 18. A conservation license gives the licensee the privileges of a combination of various fish and game licenses ~~and~~ free admission to state parks and other recreational areas ~~for which DNR charges fees.~~ A conservation patron licensee also receives a free annual subscription to the Wisconsin Natural Resources magazine.

KSF
Under this bill, any conservation patron licensee who is under the age of 18 will not receive the privilege of free admission to state parks and other recreational areas and will not receive the free magazine subscription.

*** ANALYSIS FROM -0382/1 ***

~~NATURAL RESOURCES~~

~~FISH, GAME, AND WILDLIFE~~

KSF
Under current law, DNR may issue conservation patron licenses to any person 14 years old or older who applies for the license. ~~A conservation patron license gives the licensee the combined privileges of a variety of hunting, fishing, and trapping licenses, including deer hunting licenses, annual fishing licenses, and trapping licenses.~~

no 4
Notwithstanding current law that provides that a person must be 14 years old to receive a conservation patron license, current law specifies a reduced fee for conservation patron licenses issued to people who are at least 12 years old but less than 18 years old. This bill changes current law to clarify that DNR may issue conservation patron licenses to any person who is at least 12 years old.

Keep → [*** ANALYSIS FROM -0384/1 ***]

~~NATURAL RESOURCES~~

~~FISH, GAME, AND WILDLIFE~~

Under current law, with certain exceptions, no person born on or after January 1, 1973, may obtain a hunting approval from DNR without obtaining a certificate of

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accomplishment from DNR. DNR issues certificates of accomplishment to persons who successfully complete DNR's hunter education program or bow hunter education program. Current law provides that DNR may not charge a fee for the course of instruction under either education program, although DNR may reimburse instructors for allowable costs up to \$5 for each student who receives instruction.

This bill requires DNR to charge a fee for its hunter education and bow hunter education courses. The bill also authorizes DNR to offer advanced hunter education and bow hunter education courses and allows DNR to charge an additional fee for the advanced courses. The bill provides that each instructor may collect the fee and retain allowable costs up to \$5 for each student who receives instruction, rather than receive reimbursement from DNR for these costs, as under current law. The instructor must remit the balance of the fee to DNR.

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From -0383/5

*** ANALYSIS FROM -1380/2 ***

~~NATURAL RESOURCES~~

~~FISH, GAME, AND WILDLIFE~~

Under current law, the cost of issuing a duplicate fishing license is \$9, including the issuing fee. This bill raises the fee to \$10, including the issuing fee, unless the total cost of the original fishing license was less than \$10, including any issuing fee. Under the bill, if the total original cost of the fishing license was less than \$10, the total cost of issuing the duplicate is the same amount as the total original cost.

*** ANALYSIS FROM -0753/2 ***

~~NATURAL RESOURCES~~

~~FISH, GAME, AND WILDLIFE~~

Under current law, DNR and the Lac du Flambeau band of the Lake Superior Chippewa (band) have in effect an agreement under which the band agrees to limit its treaty-based, off-reservation rights to fish in exchange for the band being able to issue DNR fishing licenses and stamps as an agent of DNR. In addition, DNR agents may issue these licenses and stamps on the band's reservation. Current law authorizes DNR to pay the band an amount equal to the amount that the band would receive if the band issued those licenses and stamps. This payment is funded by certain moneys received by the state pursuant to Indian gaming compacts.

This bill requires DNR to make an annual payment of \$50,000, in addition to the payment under current law, to the band to be used for fishery management within the band's reservation.

*** ANALYSIS FROM -0503/1 ***

~~NATURAL RESOURCES~~

NAVIGABLE WATERS

Under current law, ^a person may not place a boat, boat trailer, or boating equipment in the Lower St. Croix River if the person has reason to believe that the boat, trailer, or equipment has zebra mussels attached. Also, under current law, a person must remove zebra mussels from a boat, boat trailer, or boating equipment before placing it the St. Croix River, if required to do so by a law enforcement officer. This bill expands the scope of these two provisions to cover any navigable water. The bill also authorizes a law enforcement officer to require a person to remove any

↓ LPS:
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all goes
before
-1380/2**

(C)

DOA:.....Statz, BB0127 - Pheasant hunting

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Insert Analysis - 0383

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

Under current law, no person may hunt pheasant without a license issued by DNR. With certain exceptions, the hunter must also have a pheasant hunting stamp, issued by DNR, attached to, or imprinted on, the person's license. DNR charges a fee for both the hunting license and the stamp.

This bill generally requires a person to obtain an additional permit from DNR in order to hunt pheasants on certain pheasant stocked lands under DNR's management and control. Under the bill, DNR must issue these permits to any person who applies for the permit and who has a valid conservation patron license or a valid pheasant hunting stamp attached to or imprinted on the person's small game or sports license. The bill authorizes DNR to charge a fee for the permit.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 20.370 (1) (hw) of the statutes is created to read:

KJF

aquatic plants or zebra mussels from a boat, boat trailer, or boating equipment before or while transporting the boat, trailer, or equipment on a highway or other thoroughfare open to the public.

*** ANALYSIS FROM -0469/1 ***

~~NATURAL RESOURCES~~

~~NAVIGABLE WATERS~~

Under current law, a variety of activities affecting navigable waters, dams, and wetlands are prohibited without a permit or other approval issued by DNR. Those activities include placing certain structures on the beds of navigable waters, diverting water from a stream under certain conditions, and constructing a dam. Generally, DNR charges a fee for these permits and approvals. Current law specifies that, if more than one fee is applicable to a project, DNR may charge only the highest applicable fee rather than charging a separate fee for each permit or approval.

This bill eliminates the requirement that DNR charge only the highest fee applicable to a project. Under the bill, an applicant must pay the permit or approval fee for each activity for which the applicant seeks a permit or other approval.

*** ANALYSIS FROM -0468/2 ***

~~NATURAL RESOURCES~~

~~NAVIGABLE WATERS~~

Under current law, DNR is required to establish a program to control invasive species in this state, including a procedure to award cost-sharing grants for up to 50 percent of the costs of projects to control invasive species. Current law also requires DNR to make available in each fiscal year at least \$500,000 for cost-sharing grants to be awarded under this program to local governmental units for the control of invasive species that are aquatic species. This bill specifies that nonprofit conservation organizations and qualified lake associations are also eligible to receive a portion of these funds.

*** ANALYSIS FROM -0387/4 ***

~~NATURAL RESOURCES~~

~~RECREATION~~ and

for that vehicle

DNR was issued

Under current law, a person may not operate a vehicle in state parks or certain other state recreational lands unless the vehicle has been issued a vehicle admission receipt by DNR. The base fee for the receipt varies depending on whether the receipt is issued on an annual or a daily basis and, depending on the kind of vehicle for which the receipt is issued. It also varies, for certain types of receipts, depending on whether the receipt is issued to a resident or to a nonresident. Furthermore, DNR charges a reduced fee for receipts issued to certain persons including persons who share a household with a person who has been issued a current annual vehicle admission receipt (additional receipt). Generally, DNR charges a higher fee for receipts issued to nonresidents. In addition to the base fee, DNR collects an issuing fee of 50 cents for each annual vehicle admission receipt issued and an issuing fee of 15 cents for each daily vehicle admission receipt issued.

This bill changes current law so that the base fee charged for an annual resident vehicle admission receipt is increased from \$19.50 to \$24.50 and the base fee charged

for an annual nonresident vehicle admission receipt is increased from \$29.50 to \$34.50. The bill also increases the base fee charged for a daily resident vehicle admission receipt from \$4.85 to \$6.85. ^{campsite} It also increases the base fee charged for an additional receipt from \$9.50 to \$12 for residents and from \$14.50 to \$17 for nonresidents. ^{and}

Under current law, DNR operates ^{by category} state campgrounds in state parks, state forests, and other lands under its supervision and management, and classifies these campgrounds ~~into separate categories~~. ~~For the use of a campsite in a state campground, DNR charges a fee that varies depending on how the campground is categorized. Under current law, with certain exceptions, the nightly fee for the use of a campsite ranges from \$6 to \$10.~~ This bill increases the nightly campsite fees by \$2 so that the fees range from \$8 to \$12.

^{increased} *** ANALYSIS FROM -0355/2 ***

~~NATURAL RESOURCES~~

~~RECREATION~~

Under current law, DNR administers the registration system for all-terrain vehicles (ATVs), boats, and snowmobiles. Current law authorizes DNR to appoint agents, who are not DNR employees, to issue all-terrain vehicle and snowmobile registration certificates, and certificates of number and registration certificates for boats. Under current law, DNR may implement both a noncomputerized procedure and a computerized procedure for issuing original and duplicate registration documents and for transferring and renewing these documents. Under either procedure, DNR or its agents issue ~~adequate~~ documentation so that the registrant is immediately able to operate the ATV, boat, or snowmobile in compliance with the applicable registration laws. Under the noncomputerized procedure, agents collect a service fee of \$3 from the registrant; there is no service fee if the application is submitted directly to DNR. Under the computerized procedure, both agents and DNR collect the \$3 service fee; and if the \$3 fee is collected by an agent, the agent sends \$1 of the fee to DNR.

For all three types of registration, this bill eliminates the computerized and noncomputerized procedures as separate procedures. Instead, for ATV and snowmobile registration, the bill allows DNR to implement two procedures, one under which the applicant is issued a validated receipt showing the registration of the vehicle at the time of application, and another procedure under which the applicant receives, in addition to the receipt, a least one decal that can be immediately placed on the vehicle. For an application submitted directly to DNR, there is no fee for receiving just the receipt, and the fee for the receipt plus a decal is \$5. For an application submitted to an agent, the fee for just the receipt is \$3. The fee for a receipt and a decal is \$5 with the agent sending \$1 of the \$5 to DNR.

For boat registration, the bill allows DNR to implement the procedure under which the applicant receives a receipt and at least one decal that can be immediately placed on the boat. The fee for this type of registration is \$5, with the agent sending \$1 of the \$5 to DNR.

*** ANALYSIS FROM -0351/1 ***

~~NATURAL RESOURCES~~~~RECREATION~~

Under current law, DNR provides supplemental aid for the maintenance and grooming of state and county snowmobile trails. The supplemental aid is available if the total actual cost of maintenance exceeds \$250 per mile in a given year and of those maintenance costs the cost for grooming the trails exceeds \$130 per mile in the same year. This bill increases the \$130 per mile amount to \$150 per mile.

*** ANALYSIS FROM -0365/1 ***

~~NATURAL RESOURCES~~~~RECREATION~~

Current law requires DNR to ~~administer a program to~~ distribute funds to local units of government and federal agencies for the operation of off-the-road Type I motorcycle trails and facilities and for such trails at the Black River State Forest and the Bong State Recreation Area. This bill eliminates that program.

*** ANALYSIS FROM -0519/3 ***

~~NATURAL RESOURCES~~

OTHER NATURAL RESOURCES ← stays

Under the managed forest land (MFL) program, the owner of land that meets certain requirements as to size and the amount of timber on the land may apply to have DNR designate the land as MFL. The owner of such land then makes an annual payment that is lower than, and in lieu of, the property taxes that normally would be payable on the land. In exchange, the owner must comply with certain forestry practices and may keep a specific area closed to public access; the remainder of the land must be kept open for recreational activities such as hunting, fishing, and cross-country skiing. For land that the owner keeps closed to public access, the owner must pay a supplemental amount that is in addition to the annual payment described above (closed-land payment).

This bill creates a five-member managed forest land board in DNR. Members of the board include: the chief state forester or his or her designee, one member representing the Wisconsin Counties Association, one member representing the Wisconsin Towns Association, one member representing an association that represents counties that have county forests, and one member appointed from a list of nominees submitted to the governor by the Council on Forestry. This board awards grants to cities, towns, counties, DNR, and nonprofit conservation organizations to acquire land for certain outdoor recreation activities such as fishing, hiking, sight-seeing, and cross-country skiing. The closed-land payments made by MFL owners fund the grants.

*** ANALYSIS FROM -1260/2 ***

RETIREMENT AND GROUP INSURANCE

Under current law, the Historical Society may contract with the Wisconsin Historical Foundation, Inc., for the purposes of administering ~~the~~ ^{certain} Historical Society's membership program; soliciting and accepting contributions, gifts, grants, and bequests for the Historical Society; marketing the Historical Society's goods and

programs and functions
~~services; providing support for the operation, management, and development of the Historical Society's programs; and performing other functions approved by the Board of Curators of the Historical Society.~~ *NO # enters into such a*

employee
 This bill provides that, if the Historical Society contracts with the Wisconsin Historical Foundation, Inc., any employee of the Wisconsin Historical Foundation, Inc., who was previously employed by the Historical Society is eligible to receive health care coverage under a plan offered to state employees *plain* subject to enrolling in the plan during any applicable enrollment period and to any condition established by contract or by rule.

***** ANALYSIS FROM -0279/2 *****

RETIREMENT AND GROUP INSURANCE

Currently, the Employee Trust Funds Board may appoint outside legal counsel with the approval of the governor. This bill provides that the cost of such counsel is to be paid from moneys deposited in the public employee trust fund that are not otherwise appropriated for DETF operations.

***** ANALYSIS FROM -0280/1 *****

RETIREMENT AND GROUP HEALTH INSURANCE

Current law requires DETF to maintain an office in Milwaukee. This bill eliminates this requirement.

***** ANALYSIS FROM -0281/2 *****

RETIREMENT AND GROUP HEALTH INSURANCE

This bill creates gifts and grants appropriations and an appropriation for the expenditure of federal moneys for DETF.

***** ANALYSIS FROM -0736/1 *****

STATE GOVERNMENT

STATE EMPLOYMENT

Under current law, each state agency must submit an annual report to the secretary of administration identifying each position for that state agency that became vacant during the preceding fiscal year. The bill eliminates this duty.

***** ANALYSIS FROM -0648/1 *****

STATE GOVERNMENT

STATE EMPLOYMENT

Under current law, the Employment Relations Commission (commission) hears appeals of state employee position classification decisions, examination scores, appointment decisions, and disciplinary actions taken against employees by their employer (appeals). Filing fees for the appeals are deposited in the general fund. This bill credits the filing fees for the appeals to the commission appropriation account and expands the purposes of the appropriation to include expenditures related to the appeals.

***** ANALYSIS FROM -1300/1 *****

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STATE GOVERNMENT**STATE EMPLOYMENT**

The bill makes technical changes to provisions in the state's civil service law relating to the equal rights division in DWD.

*** ANALYSIS FROM -0282/1 ***

STATE GOVERNMENT**STATE EMPLOYMENT**

The bill corrects two references to the position of the former secretary of employment relations. This position was abolished in 2003 Wisconsin Act 33 and the duties of the position were assigned to the director of the Office of State Employment Relations.

*** ANALYSIS FROM -1837/2 ***

STATE GOVERNMENT**STATE FINANCE**

WRS

In the last fiscal biennium, obligations were issued by the state to pay the state's unfunded liabilities under the Wisconsin Retirement System (WRS). These liabilities had been incurred as a result of unfunded benefit improvements under the WRS and their cost had been allocated to each state agency as part of its required WRS contributions. This bill requires the secretary of administration during the 2005-07 fiscal biennium to lapse or transfer to the general fund from appropriations to each state agency, other than DETF and the State of Wisconsin Investment Board, moneys that would otherwise have been expended by the state agency to pay the WRS unfunded liabilities had the obligations not been issued. In addition, the bill requires the secretary in each future fiscal biennium to lapse or transfer these moneys to the general fund based on each state agency's proportionate share of all state retirement contributions that are required to be paid in that fiscal biennium.

*** ANALYSIS FROM -1917/1 ***

STATE GOVERNMENT**STATE FINANCE**

Current law authorizes the Building Commission to contract public debt to refund the whole or any part of any unpaid indebtedness used to finance tax-supported or self-amortizing facilities or for veterans' housing loans. Such indebtedness includes any premium and interest that is currently payable on the unpaid indebtedness. Current law also sets caps on the amount of public debt that may be contracted for these purposes. This bill eliminates these statutory caps.

*** ANALYSIS FROM -1694/2 ***

STATE GOVERNMENT**STATE FINANCE**

Current statutes contain a rule of procedure governing legislative action on certain bills. Generally, the rule provides that no bill directly or indirectly affecting general purpose revenues may be adopted if the bill would cause the estimated general fund balance on June 30 of any fiscal year to be less than a certain amount

(GPR)
GPR

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of the total ~~general purpose revenue~~ ^{GPR} appropriations for that fiscal year. For fiscal year 2005-06, the amount is \$75,000,000; and for fiscal year 2006-07 and each fiscal year thereafter, the amount is 2 percent of total ~~general purpose revenue~~ ^{GPR} appropriations for that fiscal year. ⁴⁰

This bill provides that for fiscal year 2006-07, the amount is \$35,000,000; and for 2007-08 and each fiscal year thereafter, the amount is 2 percent of total ~~general purpose revenue~~ ^{GPR} appropriations for that fiscal year.

*** ANALYSIS FROM -1711/4 ***

STATE GOVERNMENT

STATE FINANCE

Current statutes contain ^{another} a rule of procedure governing legislative action on certain bills affecting ~~general purpose revenue~~ ^{GPR} (GPR). Generally the rule provides that the amount appropriated from GPR may not exceed the amount appropriated from GPR in the prior fiscal year, increased by any percentage increase in this state's aggregate personal income. There are a number of exclusions under current law from this GPR appropriation limitation. This bill provides that in the 2005-07 fiscal biennium, a GPR appropriation for county and municipal aid payments is excluded from the limitation. In addition, the bill provides that any amount appropriated to pay Wisconsin Retirement System (WRS) unfunded liability obligations is excluded from the limitation.

Current statutes contain an additional rule that in fiscal year 2005-06 and in fiscal year 2006-07, the amount appropriated from GPR for state operations may generally not exceed the amount appropriated from GPR for state operations in fiscal year 2004-05, less \$100,000,000. This bill ~~reduces this amount to \$65,000,000~~ and excludes a number of appropriation expenditures ~~and~~ ^{from} from the calculation for fiscal year ~~2005-06 and 2006-07~~.

*** ANALYSIS FROM -0391/8 ***

STATE GOVERNMENT

STATE FINANCE

Under current law, the Board of Commissioners of Public Lands (BCPL) may invest moneys in the common school fund, the normal school fund, the university fund, and the agricultural college fund, in certain specified investments. ~~These include bonds or notes of the United States; bonds issued by this state or the UW Hospitals and Clinics Authority; and bonds issued by a town, village, city, county, or school district or certain other special districts in the state.~~ ^{the "trust funds"}

This bill authorizes BCPL to invest ~~moneys~~ ^{money} in the purchase of land in this state, ~~but establishes certain conditions on the purchase of this land.~~ ^{NO plain period} First, the land must be within any applicable consolidation area approved by BCPL; second, the total acreage of public lands managed by BCPL must not exceed the total acreage of public lands managed by BCPL on the bill's effective date; or, finally, BCPL must determine that the purchase of the land will improve timberland management, address forest fragmentation, or increase public access to the land. The bill also provides that, if the land at the time of purchase was subject to assessment or levy of a real property

GPR

eliminate the rule for fiscal year 2006-07

derived from sale of money's from public lands in future

subject to

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tax, BCPL must make annual payments in lieu of property taxes to the appropriate local governmental unit in an amount equal to 74 cents per acre.

*** ANALYSIS FROM -0390/2 ***

STATE GOVERNMENT

STATE FINANCE

Under current law, the Board of Commissioners of Public Lands (BCPL) may invest moneys in the common school fund, the normal school fund, the university fund and the agricultural college fund (collectively, the "trust funds") in certain specified investments. These include bonds or notes of the United States; bonds issued by this state or the University of Wisconsin Hospitals and Clinics Authority; and bonds issued by a town, village, city, county, or school district or certain other special districts in the state. If requested by BCPL, the State of Wisconsin Investment Board (SWIB) is required to provide BCPL with advice and assistance in investing these moneys.

This bill authorizes BCPL to delegate to the SWIB the authority to invest part or all of the moneys belonging to the trust funds. Under the bill, if BCPL delegates the authority, the SWIB may invest the moneys belonging to the trust funds in any fixed income investment or fund that invests in fixed income instruments.

*** ANALYSIS FROM -1372/2 ***

STATE GOVERNMENT

STATE FINANCE

Current law requires the secretary of administration to prepare a statement of estimated general purpose revenue receipts and expenditures in the biennium following the succeeding biennium based on recommendations in the executive biennial budget bill or bills. This statement is to accompany the biennial budget report that is submitted on the day that the governor delivers the budget message to the legislature. Current law also requires the Legislative Fiscal Bureau (LFB) to prepare the same statement but based on the recommendations in the executive biennial budget bill or bills, as modified by an amendment offered by JCF, as engrossed by the first house, as concurred in and amended by the second house or as nonconcurred in by the second house, or as reported by any committee on conference. The methodology used to prepare these statements is specified in the statutes. This bill allows DOA and LFB to develop their own methodology.

*** ANALYSIS FROM -1710/2 ***

STATE GOVERNMENT

STATE FINANCE

This bill requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of state operations appropriations, other than sum sufficient appropriations and appropriations of federal revenues and appropriations to the legislature and the courts, an amount equal to \$35,232,800 during the 2005-07 fiscal biennium. The secretary of administration shall lapse or transfer these moneys from allocations for human resources and payroll functions and server and network support, from moneys saved as a result of restructuring

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procurement contracts, and from efficiencies achieved as a result of space management improvements in that fiscal biennium under those appropriations.

In addition, the bill requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of state operations appropriations ~~other than sum sufficient appropriations and appropriations of federal revenues and appropriations to the legislature and the courts~~, an amount equal to ~~\$25,000,000~~ during the 2007-08 fiscal year and ~~\$25,000,000~~ during the 2008-09 fiscal year. The secretary of administration shall lapse or transfer these amounts from moneys saved as a result of ~~procurement contracts~~ in that fiscal biennium under those appropriations.

*** ANALYSIS FROM -1607/9 ***

STATE GOVERNMENT

STATE FINANCE

This bill requires the secretary of administration to lapse moneys to the general fund from a number of program revenue appropriation accounts. The appropriations are made to the following state entities: the Office of State Employment Relations in DOA, DATCP, DHFS, DOJ, DPI, DOC, DORL, DOR, and DVA; the Department of Commerce, the Board of Commissioners of Public Lands, the Child Abuse and Neglect Prevention Board, and the Technical College System Board; and OCI.

*** ANALYSIS FROM -0523/2 ***

STATE GOVERNMENT

STATE FINANCE

Currently, the state treasurer must deduct, on a quarterly basis, moneys from the local government pooled-investment fund (fund) for the purpose of administering the fund. The amount that may be deducted is currently capped at 0.25 percent of the income received from the earnings of the fund during the preceding calendar quarter. This bill eliminates the cap and requires the state treasurer to deduct monthly an amount sufficient to cover all actual and necessary expenses incurred by the state in administering the fund in the preceding calendar month. The bill does, however, limit the amount that may be deducted in any fiscal year to the amount appropriated for that fiscal year for administering the fund.

*** ANALYSIS FROM -0734/1 ***

STATE GOVERNMENT

STATE FINANCE

The bill provides that payments to the state may be made by electronic funds transfer, unless such a payment method for a state program or activity is specifically prohibited by law. In addition, the bill permits the state to charge a person a fee, set by the Depository Selection Board, who attempts to make a payment to the state by electronic funds transfer but the transfer does not take place because of insufficient funds.

*** ANALYSIS FROM -1786/P1 ***

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STATE GOVERNMENT

PUBLIC UTILITY REGULATION

This bill establishes maximum late payment charges that telecommunications utilities are allowed to charge retail consumers. Under current law, a telecommunications utility is an entity that provides local calling service to consumers, except for entities that provide such service on a resale basis.

With two exceptions, the bill prohibits a telecommunications utility from imposing on retail consumers a late payment charge at a rate greater than 1.5 percent per month computed upon the declining principal balance of any amount that is not paid when due. The first exception applies to retail consumers that are not residential consumers. For any month in which the maximum late payment charge otherwise allowed under the bill is less than \$5, the bill allows the telecommunications utility to impose a late payment charge of \$5 for that month. Under the bill's second exception, the PSC may allow a telecommunications utility to impose a late payment charge that is greater than that otherwise allowed under the bill, but only if the PSC determines that the greater charge is consistent with factors specified under current law for determining whether a charge is just and reasonable.

The bill also requires telecommunications utilities that impose late payment charges on consumers to pay to the PSC, on a semiannual basis, 5 percent of the charges they collect from consumers that are not residential consumers. The PSC must use the money for consumer education purposes as determined by the PSC.

~~WIKI~~

*** ANALYSIS FROM -1787/1 ***

STATE GOVERNMENT

INSERT MDK2 (From pg 81)

PUBLIC UTILITY REGULATION

Under current law, certain electric and gas utilities are required to make contributions to the PSC in each fiscal year. The PSC deposits the contributions into the utility public benefits fund (fund), which also consists of monthly fees paid by utility customers. The fund is used for programs administered by DOA for making grants for low-income assistance, energy conservation and efficiency, related environmental research and development, and renewable energy resources. If certain conditions are satisfied, the fund may also be used for DOA to make grants to electric utilities and cooperatives for making reductions in nitrogen oxide emissions that are required under federal or state law.

In addition, certain moneys in the fund are used to pay some of the claims for the earned income tax credit. Also, certain of the moneys are used to provide part of the funding for the Wisconsin Works (W-2) program, which provides work experience and benefits to low-income custodial parents, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents.

This bill provides that, beginning on July 1, 2007, the moneys in the fund may be used only for the grant programs administered by DOA that are described above. In addition, the bill specifies that, beginning on July 1, 2007, moneys in the fund may

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FROM PG 81

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not be used for any other purpose, including paying claims for the earned income tax credit and providing funding for the W-2 program.

*** ANALYSIS FROM -1788/P1 ***

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STATE GOVERNMENT

PUBLIC UTILITY REGULATION

This bill transfers \$18,185,300 in fiscal year 2005-06 and \$16,949,400 in fiscal year 2006-07 from the utility public benefits fund to the general fund.

*** ANALYSIS FROM -1364/P1 ***

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

This bill transfers \$3,000,000 in fiscal year 2005-06 from the universal service fund to the general fund.

*** ANALYSIS FROM -1243/P3 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, DATCP administers most laws regarding consumer protection and trade practices. Current law also grants DATCP authority to enforce some of these laws by initiating court actions (enforcement authority). Other laws

grant enforcement authority to the district attorney. Where DATCP has enforcement authority, that authority may be exclusive, or DATCP may share enforcement authority with the district attorney or with DOJ.

This bill transfers the administration of certain of these laws from DATCP to DOJ, including laws relating to ticket refunds, dating service contracts, mail-order sales, fraudulent representations, methods of competition and trade practices, telecommunications services, cable television subscriber rights, hazardous substances, product safety, products containing or made with ozone-depleting substances, future services plans, landlord and tenant, and time-share ownership. The bill also transfers enforcement authority for these laws to DOJ or to DOJ jointly with the district attorney. The bill leaves intact DATCP's administration of certain other laws, but transfers enforcement authority to DOJ or to DOJ jointly with the district attorney. These laws include laws regarding unfair trade practices in the dairy industry and in the procurement of vegetable crops, and laws regarding discrimination in the purchase of milk. The bill does not affect DATCP's authority to both administer and enforce certain other laws, including laws relating to music royalty collection, energy savings or safety claims, and motor fuel dealerships.

Under current law, if a court imposes a fine or forfeiture for a violation of certain consumer protection laws or the laws regulating weights and measures, the court is required to also impose a consumer protection surcharge. These surcharges are, up to a certain limit, credited to an appropriation account that DATCP may use to fund consumer protection, information, and education. Under the bill, these surcharges are, with certain exceptions, credited to an appropriation account for expenditure by DOJ, rather than DATCP. This bill also requires imposition of the surcharge when a court imposes a fine or forfeiture for certain violations involving monopolization and restraint of competition.

Under current law, DATCP is supervised and directed by the Board of Agriculture, Trade and Consumer Protection (board). The board currently consists of nine members, seven of whom have an agricultural background and two of whom are consumer representatives. The bill requires that all nine members have agricultural backgrounds.

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requires the imposition of the consumer protection surcharge for fines or forfeitures resulting from the violation of statutes prohibiting the creation of monopolies and the unfair and discriminatory business practices that hamper competition.

Under current law, DATCP is under the supervision and direction the Board of Agriculture, Trade and Consumer Protection. The board currently consists of nine members, seven of whom have an agricultural background and two of whom are consumer representatives. This bill changes the composition of the board so that all nine members have agricultural backgrounds.

The bill also changes the name of DATCP to the Department of Agriculture, Trade, and Rural Resources and changes the name of the Board of Agriculture, Trade and Consumer Protection to the Board of Agriculture, Trade, and Rural Resources.

*** ANALYSIS FROM -0955/10 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill creates a division of legal services in DOA that is authorized to provide legal services to executive branch agencies. With certain exceptions, this bill transfers all attorney positions and all legal staff positions in executive branch agencies to the division of legal services effective on January 1, 2006. This bill also transfers all positions identified as hearing examiners, hearing officers, or administrative law judges, other than such positions in DWD, to the division of hearings and appeals in DOA. Attorney positions in DOJ, except for two attorney positions with tax-litigating duties, the Office of the State Public Defender, the PSC, the UW System, the Employment Relations Commission, the State of Wisconsin Investment Board, the Elections Board, the Ethics Board, and the Office of the Governor are exempt, as are all state employees working in an office of a district attorney. In addition, the bill retains a general counsel or lead attorney position in each of 17 major state agencies and offices.

Under this bill, executive branch agencies that are authorized or required to employ or retain an attorney may do so only in the following ways: (1) employ an attorney in a position authorized by law, (2) contract with DOA for legal services, (3) allow DOJ to furnish legal services if DOJ is required by law to furnish the services, (4) allow or contract with the division of hearings and appeals to furnish legal services if the division of hearings and appeals is required or authorized by law to furnish the services, or (5) employ or retain any attorney who is not a state employee subject to the approval of the governor.

This bill also requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of agency appropriations, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to \$724,900 during the 2005-07 fiscal biennium. The secretary of administration shall lapse or transfer these moneys from allocations for agency legal services that would have been provided in that fiscal biennium with funding from those appropriations.

*** ANALYSIS FROM -1513/4 ***

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STATE GOVERNMENT

OTHER STATE GOVERNMENT

Currently, state agencies having jurisdiction over state properties are authorized to sell the properties under various conditions and limitations, if the operation of the properties is not specifically provided for by law. The proceeds of any sales are credited or deposited in various ways as provided by law.

Currently, the Building Commission may sell or lease all or part of a state-owned building or structure or state-owned land if such authority is not provided to a state agency by law. The proceeds of any such sales or leases, after retirement of any outstanding debt on the affected properties, are paid into the budget stabilization fund. In addition, the Building Commission may sell certain surplus state land, subject in most cases to the consent of the Joint Committee on Finance, and may sell certain state-owned land in the vicinity of the state capital.

This bill directs the secretary of administration, no later than July 1, 2006, to review all holdings of ~~surplus and nonsurplus~~ state-owned real property for potential sale, except property under the jurisdiction of the Board of Regents of the UW System, property under the jurisdiction of DNR (except central or district office facilities), and certain other specified property. Potential sales may include surplus or nonsurplus property, and may be evaluated with or without the approval of the state agency that administers the affected property.

reviewed by DOA
No later than October 1, 2006, the secretary of administration must submit a report to the secretary of the Building Commission containing an inventory of the secretary's recommendations to offer specified state properties for sale and giving the reasons therefor. Under the bill, if the Building Commission votes to approve the sale of any property, included in the inventory on or before June 30, 2007, DOA may offer the property for sale and may sell the property if DOA believes that the sale is in the best interests of the state, subject to certain exceptions. Under the bill, the sale price need not reflect fair market value.

Any sale of state property by DOA may be either on the basis of public bids or negotiated prices. The bill does not authorize DOA to close or sell any facility or institution the operation of which is provided for by law. The authority granted by the bill does not apply to property that is leased by the state during the term of the lease without consent of the lessee. With certain exceptions, all net proceeds of property sales, after retirement of any outstanding debt on the affected properties and after any required reimbursement of the federal government for any federal financial assistance used to acquire the properties, are deposited in the general fund, and are then transferred from the general fund to the budget stabilization fund.

*** ANALYSIS FROM -0984/4 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Currently, the land information board is attached to DOA. The board serves as a state clearinghouse for access to land information and provides technical assistance to state agencies and local governmental units with land information responsibilities, reviews and approves county plans for land records modernization,

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and provides aids to counties derived from recording fee revenues collected by counties, for land records modernization projects. Under current law, the board and most of its functions are abolished effective on July 1, 2005.

This bill assigns to DOA most of the functions of the land information board.

Currently, counties collect a land record fee for recording and filing most instruments that are recorded or filed with the register of deeds. ~~The fee is \$11 for the first page of an instrument and \$2 for each additional page.~~ ^{a portion of fee} Until July 1, 2005, counties must remit ~~\$2 of each \$11 collected for recording or filing the first page of each instrument~~ ^{most portion} to the land information board, which the board uses to fund its ~~general program~~ operations and to make grants to counties for land records modernization projects. Currently, if a county does not have a land information office and uses ~~\$4 of the fee for recording or filing the first page of an instrument~~ ^{a portion of the fee} for land records modernization, the county must remit ~~\$7 of the fee for recording or filing the first page of an instrument~~ ^{most} to the land information board. However, if a county establishes a land information office or receives approval from the land information board for its land records modernization plan, the county may retain ~~\$6 of each \$11 fee that would otherwise be payable to the state~~ ^{a portion of the fee}, if the county uses \$1 of each \$6 fee that it retains for the development and maintenance of a computerized index of the county's land information relating to housing that is accessible on the Internet. On July 1, 2005, the fee for recording or filing the first page of an instrument is reduced ~~from \$11 to \$8 and no portion is remitted to the state.~~ ^{most of the fee} This bill reenacts the current fees ~~effective on the day the bill becomes law~~ but requires that the state share be remitted to DOA instead of the land information board. The bill also requires each county that is permitted to retain ~~\$5 of each fee to use \$1 of each \$5 fee that it retains~~ ^{a portion of the fee} for the provision of land information, including the county's land information records relating to housing, on the Internet.

Under current law, the Wisconsin Land Council exists in DOA. The purposes of the council include the following: 1) to identify and recommend to the governor land use goals and priorities; 2) to establish a technical working group to study the development of a computer-based land information system and make recommendations to the governor in this area; 3) to establish a state agency resource working group that is composed of representatives of DOA, DATCP, DOC, DNR, DOR, DOT, and other appropriate agencies. This state agency resource working group is required to discuss, analyze, and address land use issues and related policy issues. Currently, the Wisconsin Land Council sunsets on September 1, 2005.

Under this bill, almost all of the functions and responsibilities of the Wisconsin Land Council are transferred to DOA. The functions and responsibilities that are not transferred to DOA include the responsibility of the Wisconsin Land Council to establish a technical working group to study the development of a computer-based land information system.

*** ANALYSIS FROM -0538/1 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Current law imposes requirements on a firearms dealer (dealer) before he or she may transfer a handgun to a person and on a person who is seeking to be

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transferred a handgun from a dealer (transferee). A dealer may transfer the handgun to the transferee only after the dealer asks DOJ to conduct a firearms restrictions record search on the transferee and waits 48 hours without notification that the transferee is prohibited from possessing a firearm. When requesting a firearms restrictions record search, the dealer must use his or her identifying number. The transferee must truthfully provide on notification forms any information to permit an accurate firearms restrictions record search. The dealer must maintain records of the transferee's information, along with information he or she receives from DOJ regarding the firearms restrictions record searches; the dealer must also mail duplicates of the notification forms completed by the transferee. If a dealer or a transferee violates any of these requirements, he or she must be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than nine months.

This bill applies these requirements to transfers of rifles or shotguns (long guns).

Under current law, before a dealer may transfer a handgun to a transferee, DOJ is responsible for conducting a firearms restrictions record search to determine whether the transferee is prohibited from possessing a firearm because of: 1) a felony conviction; 2) a delinquency adjudication for an act that would have been a felony if committed by an adult; 3) a finding of not guilty by reason of mental disease or defect in a felony case; 4) a firearm prohibition order issued in an involuntary civil commitment proceeding; or 5) an abuse or harassment injunction issued against him or her.

This bill makes DOJ responsible for conducting an identical firearms restrictions record search to determine whether a long gun transferee is prohibited from possessing a firearm.

Under current law, DOJ must charge the firearms dealer an \$8 fee for each firearms restrictions record search done for a transfer. This bill changes the fee for a firearms restrictions record search done for a handgun transfer to \$16 and creates a \$5 fee for a firearms restrictions record search done for a long gun transfer.

*** ANALYSIS FROM -1219/2 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Currently, if a contractor or vendor does business with this state or a local government in this state, the terms of the contract or order govern the performance of, and the price to be paid to, the contractor or vendor. If the contractor or vendor claims payment for materials, supplies, equipment, or contractual services that are not provided in accordance with the contract or order, or at a price that is different from the price specified in the contract or order, the state or a local government has a remedy against the contractor or vendor for breach of contract. If the contractor or vendor is asked to swear to the truth of a claim for payment and the claim is false, the contractor or vendor may also be prosecuted for false swearing, which is a criminal offense.

This bill provides that whoever knowingly presents or causes to be presented a false claim under any contract or order for materials, supplies, equipment, or

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contractual services to be provided to a state agency is subject to a forfeiture (civil penalty) of not less than \$5,000 nor more than \$10,000, plus three times the amount of the damages that were sustained by the state or would have been sustained by the state, whichever is greater, as a result of the false claim. The bill permits the attorney general to bring an action on behalf of the state to recover any forfeiture for which a contractor or vendor is liable as a result of a false claim submitted to a state agency. This bill also contains similar provisions that apply to local governmental units.

*** ANALYSIS FROM -1377/3 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, a county that has a federally recognized Indian reservation within or partly within its boundaries may develop a cooperative county-tribal law enforcement program with a tribe located in the county. The county and the tribe may apply for and receive aid from DOJ for the program. The Office of Justice Assistance (OJA) administers a separate grant program to fund county law enforcement services in counties that border Indian reservations. A county is eligible for a grant under the OJA program only if: 1) the county demonstrates a need for those services; 2) there is a neighboring tribe with which the county does not have a county-tribal law enforcement agreement; and 3) the county meets criteria established by rule by OJA. Both of these grant programs are funded from Indian gaming receipts.

This bill makes OJA responsible for administering the cooperative county-tribal grant program and extends its applicability to cases in which a county borders a reservation. At the same time the bill eliminates the existing OJA grant program for counties that border Indian reservations.

*** ANALYSIS FROM -1022/1 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Currently, the Joint Committee on Legislative Organization (JCLO) must recommend to the legislature, in the form of a joint resolution, a Wisconsin newspaper to be the official state newspaper. Upon passage of the joint resolution by both houses of the legislature, the newspaper becomes the official state newspaper. This bill eliminates this JCLO duty and, instead, provides that the secretary of administration is to designate a Wisconsin newspaper to be the official state newspaper.

Keep *** ANALYSIS FROM -0302/3 ***

TAXATION

INCOME TAXATION

This bill adopts, for state income and franchise tax purposes, changes made to the Internal Revenue Code by Public Law 108-27, the Jobs and Growth Tax Relief Reconciliation Act, not including changes related to bonus depreciation and expensing provisions and an increase in the alternative minimum tax exemption; Public Law 108-121, the Military Family Tax Relief Act; Public Law 108-173, the

Medicare Prescription Drug, Improvement and Modernization Act, not including changes related to health savings accounts; Public Law 108-203, the Social Security Protection Act; Public Law 108-218, the Pension Funding Equity Act; Public Law 108-311, the Working Families Tax Relief Act, not including changes related to deductions for charitable contributions of computer equipment and expensing provisions related to brownfields remediation costs; Public Law 108-357, the American Jobs Creation Act, not including changes related to the expensing of film and television production costs; and Public Law 108-476, the YMCA Retirement Fund.

Under current law, spouses that file a joint income tax return are both liable for the payment of any tax related to that return. However, DOR may relieve a person of any tax liability related to a joint return, in a manner specified by the Internal Revenue Code and adopted by this state. Generally, DOR may relieve a person of any tax liability related to a joint return if the person's spouse did not notify the person of any tax liability or understatement of taxes related to the joint return. This bill corrects an outdated reference to the sections of the Internal Revenue Code that relate to a spouse's tax liability for a joint income tax return. The bill also requires a spouse to apply for relief from tax liability within two years from the date on which DOR begins collection activities on the spouse's tax liability or within two years from the effective date of the provision, whichever is later.

*** ANALYSIS FROM -1659/1 ***

TAXATION

INCOME TAXATION

In general,
Current law provides a subtraction from federal adjusted gross income for ~~an~~ amount paid up to \$3,000 per year per student, for tuition to attend a university, college, technical college, or other school that is approved by the Educational Approval Board and that is located in this state or that is subject to the Minnesota-Wisconsin reciprocity agreement. The subtraction is phased out at certain income levels. *Also under current law,* nonresidents and part-year residents of this state may claim a prorated amount of the subtraction based on a fraction, the numerator of which is the individual's wages, income, and net earnings from a trade or business that are taxable by this state and the denominator of which is the individual's total wages, income, and net earnings from a trade or business. The subtraction is further limited to the total wages, income, and net earnings from a trade or business taxable by this state.

This bill increases the amount of the allowable subtraction from \$3,000 per year per student to \$5,100.

*** ANALYSIS FROM -0375/2 ***

TAXATION

INCOME (OTHER TAXATION)

These accounts have
This bill authorizes DOR to prepare and maintain a list of delinquent taxpayer accounts in excess of \$25,000, subject to a number of exceptions. ~~The delinquent taxpayer accounts are accounts with tax obligations that are unpaid for more than 90 days after all appeal rights have expired.~~ The list must contain the names,

addresses, type of tax due, ~~and amount of tax due~~, including interest, penalties, fees, and costs for each person on the list. If the person listed is a corporation, the list must also contain the name and address of each of the corporation's officers. The bill also authorizes DOR to create and maintain a site on the Internet that contains the names on the list, with the associated delinquent taxpayer information. DOR is required to update the Internet site on a quarterly basis.

Under the bill, DOR may not post on the Internet the name of any person who has reached an agreement or compromise with DOR or DOJ, and is in compliance with that agreement, regarding the payment of delinquent taxes, or the name of any person who is protected by a stay that is in effect under the federal Bankruptcy Code. To comply with these provisions, DOR is required to update the Internet site each business day.

*** ANALYSIS FROM -0371/5 ***

TAXATION

INCOME TAXATION

Under current law, an individual income tax check-off procedure exists that allows an individual who files a return to designate any amount of additional payment or any amount of a refund due for the endangered resources program, a local professional football district, and a breast cancer research program. This bill creates a similar income tax checkoff for designations to the veterans trust fund (fund), the proceeds of which support various programs that benefit veterans.

Under the bill, an individual who has an income tax liability, is due a refund, or is required to file a return may designate any amount of additional payment, or any amount of a refund due, to the fund on his or her income tax return. If an individual's designation exceeds the amount of his or her refund, he or she must include a check with his or her tax return for the difference between the amount of the designation and the amount of the refund. If an individual who makes a contribution has a tax liability or has no tax liability and is due no refund, he or she must include a check for the amount of the designation with his or her tax return.

*** ANALYSIS FROM -0306/2 ***

TAXATION

INCOME TAXATION

This bill requires a partnership, a limited liability company, a tax-option corporation, an estate, or a trust that is treated as a pass-through entity for federal income tax purposes to withhold income taxes from income that the entity distributes to a nonresident partner, member, shareholder, or beneficiary.

*** ANALYSIS FROM -1794/1 ***

TAXATION

INCOME TAXATION

This bill creates a refundable individual income tax credit for disabled veterans who have a compensable service-connected disability of 100 percent. The credit that may be claimed by a claimant each year is \$500. If the amount of the credit exceeds the taxpayer's income tax liability, the difference will be refunded to the taxpayer by

check. The credit may not be claimed by part-year residents or nonresidents of this state.

*** ANALYSIS FROM -0341/3 ***

~~TAXATION~~

~~INCOME TAXATION~~

This bill allows a corporation that files a state tax return to designate on its return any part of its refund, or any amount in addition to taxes owed, as a donation to the veterans trust fund.

*** ANALYSIS FROM -0402/5 ***

~~TAXATION~~

~~INCOME TAXATION~~

Under current law, a taxpayer may claim income and franchise tax credits based, generally, on the taxpayer's business activities in a location designated by the Department of Commerce as a development zone, opportunity zone, enterprise zone, or agricultural development zone. The taxpayer may claim the credits against the taxes imposed on the income derived from the taxpayer's business activities in the development zone, opportunity zone, enterprise zone, or agricultural development zone. Under this bill, generally, the taxpayer may claim the credits against the taxes imposed on all of the taxpayer's Wisconsin income. *in addition,*

*** ANALYSIS FROM -0403/2 ***

~~TAXATION~~

~~INCOME TAXATION~~

Under current law, a taxpayer may claim income and franchise tax credits based, generally, on the taxpayer's business activities in a location the Department of Commerce designates as a development zone, including an opportunity zone, enterprise zone, or agricultural development zone. The taxpayer may claim credits, in part, based on the number of full-time jobs that the taxpayer creates in the development zone that are filled by a member of a targeted group. *addition, in addition,*

no Under current law, a member of a targeted group includes an individual who resides in an area that the federal government designates as an empowerment zone or enterprise community. *Under this bill,* a member of a targeted group includes an individual who resides in an area that the federal government designates as an economic revitalization area.

*** ANALYSIS FROM -1245/2 ***

~~TAXATION~~

~~INCOME TAXATION~~

Under current law, a person may claim an income or franchise tax credit against the person's state income or franchise tax liability for an amount equal to 10 percent of the amount that the person paid in the taxable year to modernize or expand the person's dairy farm. Under the bill, a person may claim the credit for an amount equal to 10 percent of the amount that the person paid in the taxable year to modernize or expand the person's livestock farm. Under the bill, livestock includes dairy animals and other domestic animals used in this state for the production of food, fiber, or other animal products.

***** ANALYSIS FROM -1656/3 *******TAXATION****INCOME TAXATION**

Under current law, for purposes of computing corporate income taxes and franchise taxes, a formula is used to attribute a portion of a corporation's income to this state. The formula has three factors: a sales factor, a property factor, and a payroll factor. The sales factor represents 50 percent of the formula and the property and payroll factors each represent 25 percent of the formula. Under current law, beginning on January 1, 2008, the sales factor will be the only factor used to attribute a portion of a corporation's income to this state. This bill modifies the sales factor to provide for the apportionment of income derived from the lease, rental, or licensing of real property and moving property, the use of computer software, and the sale or use of intangible property and services.

***** ANALYSIS FROM -1886/1 *******TAXATION****PROPERTY TAXATION**

This draft increases the total amount of the school levy property tax credits in 2007 by \$150,000,000, from \$469,305,000 to \$619,305,000.

***** ANALYSIS FROM -0303/4 *******TAXATION****OTHER TAXATION**

This bill adopts the substantive provisions of the streamlined sales and use tax agreement (agreement) for purposes of administering and collecting state, county, and stadium district sales and use taxes. The agreement is intended to simplify and modernize sales and use tax administration for the states that enter into the agreement and to encourage out-of-state retailers to collect the state, county, and stadium district sales and use taxes voluntarily. Under current federal law, generally, an out-of-state retailer who sells goods or services to customers in this state is not required to collect the sales tax or use tax imposed on such sales, if the retailer has no physical presence in this state. See *Quill v. North Dakota*, 504 U.S. 298; 112 S.Ct. 1904 (1992).

States that wish to enter into the agreement must adopt uniform definitions related to the administration of sales and use taxes and uniform policies related to sourcing sales of goods and services, bad debt allowances, refunds, and, to some extent, exemptions. Under the agreement, DOR may act jointly with other states that are signatories to the agreement to establish standards for certifying service providers and automated systems to aid out-of-state retailers with the collection of state sales and use taxes.

Under current law, "gross receipts" refers to the measure of the sales tax, and "sales price" refers to the measure of the use tax. Under the bill, "sales price" refers to the measure of the sales tax, and "purchase price" refers to the measure of the use tax.

The bill creates definitions for "alcohol beverages," "candy," "delivery charges," "dietary supplement," "food and food ingredients," "prepared food," and "soft drink."

The agreement provides that a state that is a signatory to the agreement may choose to tax or not tax all articles that are covered by one definition, but a state may not exempt from sales tax or use tax a particular item that is included in a definition. The members of the project working on the agreement approved a definition for "clothing." Therefore, in order to comply with the agreement, a state may either tax all clothing or exempt all clothing, but a state may not exempt certain items of clothing and tax others. This bill, therefore, eliminates the sales tax and use tax exemptions for cloth diapers and antiembolism hose.

This bill creates definitions for "durable medical equipment," "mobility-enhancing equipment," and "prosthetic device." Under the bill, the sale of such equipment and devices is exempt from the sales tax and the use tax.

Under the bill, generally, for purposes of determining which jurisdiction may impose a sales tax or use tax on a sale, if a purchaser receives a product at the seller's business location, the sale of that product occurs at the seller's business location. If a purchaser does not receive the product at a seller's business location, the sale occurs at the location where the purchaser receives the product. If the location of the sale cannot be so determined, the sale occurs at the purchaser's address, as indicated by the seller's business records. If the address cannot be determined from the business records, the sale occurs at the purchaser's address, as obtained during the consummation of the sale, including the address indicated on the purchaser's check. Finally, if the location of a sale cannot be determined in any other way, the sale of tangible personal property occurs at the location from which the tangible personal property is shipped. Under the bill, if the item sold is a digital good or computer software, and the digital good or computer software is delivered electronically, the sale occurs at the location from which the digital good or computer software was first available for transmission by the seller.

Under the bill, generally, the sale of a telecommunications service occurs at a location that is determined to be consistent with the provisions of the federal Mobile Telecommunications Sourcing Act.

*** ANALYSIS FROM -1598/6 ***

TAXATION

OTHER TAXATION

Under current law, generally, a person may not sell cigarettes in this state as a distributor, jobber, vending machine operator, or multiple retailer without having a permit from DOR. Also, a person may not sell tobacco products in this state as a distributor or subjobber without having a permit from DOR. A "jobber" is any person who acquires cigarettes from manufacturers or distributors, stores the cigarettes, and sells the cigarettes to retailers for resale. A "subjobber" is any person, other than a manufacturer or distributor, who buys tobacco products from a distributor and who sells such products to any person other than the ultimate consumer.

This bill prohibits a direct marketer from selling cigarettes or tobacco products to consumers in this state without having the appropriate permit from DOR. The bill defines "direct marketing" as publishing or making accessible an offer for the sale of cigarettes or tobacco products to consumers in this state, or selling cigarettes or

tobacco products to consumers in this state, using any means by which the consumer is not physically present on a premise that sells cigarettes or tobacco products. VJZ

A direct marketer who sells cigarettes to consumers in this state must apply to DOR for a permit and submit a fee with the permit application based on the number of cigarettes that the direct marketer sells annually to consumers in this state. KJF
If the direct marketer sells less than 600,000 cigarettes annually to consumers in this state, the fee is \$500. If the direct marketer sells 600,000 or more cigarettes annually to consumers in this state, the fee is \$1,000. A direct marketer who sells tobacco products to consumers in this state must apply to DOR for a permit and submit a \$500 fee with the application. Permits issued to direct marketers expire each year on December 31.

Under the bill, DOR will not issue a permit to a direct marketer unless the direct marketer certifies to DOR that all sales of cigarettes or tobacco products to consumers in this state will be credit card transactions; that the invoices for all shipments of cigarettes or tobacco products will bear the direct marketer's name, address, and permit number; and that the direct marketer will provide DOR any information that DOR considers necessary for cigarette and tobacco products tax and permit purposes. The direct marketer may not sell any cigarettes or tobacco products unless the sales tax, use tax, cigarette tax, or tobacco products tax, as appropriate, has been paid on the sale of the cigarettes or tobacco products. In addition, a direct marketer may not sell cigarettes or tobacco products in this state unless the direct marketer has a mechanism, approved by DOR, for verifying the age of the purchaser, and the direct marketer receives from the purchaser, at the time of purchase, a copy or facsimile of an identification card and the name specified on the identification matches the name of the purchaser.

Under the bill, cigarettes and tobacco products may not be shipped to a person who is under 18 years of age and may not be shipped to a post-office box. VJZ

Under current law, a person may not sell cigarettes or tobacco products to consumers in this state unless the person obtains a license from each city, village, or town in which the person intends to sell cigarettes or tobacco products. The city, village, or town may charge not less than \$5 annually nor more than \$100 annually for such a license. Under the bill, no city, village, or town may issue such a license to any person who has an arrest or conviction record related to selling cigarettes or tobacco products or who has not submitted proof to the city, village, or town that he or she holds a valid retailer's permit issued by DOR. KJF

*** ANALYSIS FROM -0297/3 ***

TAXATION

OTHER TAXATION

Under current law, the state imposes a sales tax on all retailers at the rate of 5 percent of the gross receipts from the sale, lease, or rental of tangible personal property and the sale of certain services. For sales tax purposes, a retailer includes a seller who sells any tangible personal property or taxable service. A retailer who is subject to the sales tax must obtain a seller's permit, collect the sales tax, and remit the collected tax to DOR. The Wisconsin Supreme Court has held that a religious organization that sells tangible personal property is not a retailer subject to the sales

tax, if the sales that the religious organization makes are not mercantile in nature. See *Kollasch v. Adamany*, 104 Wis. 2d 552 (1981).

Under this bill, a retailer who is subject to the sales tax includes a person who makes any sale, regardless of whether the sale is mercantile in nature, of tangible personal property or certain services.

Under current law, a nonprofit organization that sells tangible personal property or services is required to have a seller's permit, if it sells property or services on more than 20 days during the year and the gross receipts from such sales exceed \$15,000. Under the bill, a nonprofit organization that sells tangible personal property or services is required to have a seller's permit, if it sells property or services on more than 20 days during the year and the gross receipts from such sales exceed \$25,000.

Under current law, the sales of tangible personal property or taxable services made by a nonprofit organization at an event involving entertainment are subject to the sales tax and the use tax, if the organization's payment for the entertainment exceeds \$300. Under the bill, the sales of tangible personal property or taxable services made by a nonprofit organization at an event involving entertainment are subject to the sales tax and the use tax, if the organization's payment for the entertainment exceeds \$500.

*** ANALYSIS FROM -0299/2 ***

TAXATION

OTHER TAXATION

This bill authorizes DOT, DRL, and DWD to provide information, such as names, addresses, and social security numbers, to DOR for the purpose of administering state taxes. The bill also authorizes other state agencies that issue occupational licenses to provide such information to DOR for the purpose of administering state taxes.

*** ANALYSIS FROM -0300/4 ***

TAXATION

OTHER TAXATION

Under current law, generally, a license, credential, permit, or certificate (license) issued by the state may be revoked if the person who holds the license is liable for delinquent state taxes. In addition, an application for a license issued by the state may be denied if the applicant is liable for delinquent state taxes. Under current law, DOR certifies to the Wisconsin Supreme Court and to the entity that issues the license that the license holder or license applicant owes delinquent taxes. The Supreme Court and the licensing entity revoke the license or deny the application for the license based on DOR's certification. The license holder or applicant is then entitled to a hearing conducted by DOR. If, as a result of the hearing, DOR affirms the license holder's or applicant's tax delinquency, the Supreme Court and the licensing entity affirm the license revocation or denial. After the license revocation or denial is affirmed, the license holder or applicant may appeal the revocation or denial to the Dane County Circuit Court.

Under this bill, if as a result of a hearing DOR affirms the tax delinquency of a person who holds a license to practice law or an applicant for a license to practice law, the license holder or applicant may appeal DOR's determination to the Dane County Circuit Court. If the Dane County Circuit Court upholds DOR's determination, DOR affirms the license holder's or applicant's tax delinquency, and the state Supreme Court decides whether to revoke or deny the license to practice law.

***** ANALYSIS FROM -0301/1 *****

TAXATION

OTHER TAXATION

Under current law, a state agency may certify to DOR any debt owed to the agency so that DOR may collect the debt by subtracting the amount of the debt from any tax refund owed to the debtor, but only if the debt has been reduced to a judgment. Under current law, generally, a county or municipality may certify to DOR any debt owed to the county or municipality for a similar collection, if the debt has been reduced to a judgment or if the county or municipality has provided the debtor reasonable notice and an opportunity to be heard with regards to the debt.

Under this bill, a state agency may certify to DOR any debt owed to the agency so that DOR may collect the debt by subtracting the amount of the debt from any tax refund owed to the debtor, if the debt has been reduced to a judgment or if the state agency has provided the debtor reasonable notice and an opportunity to be heard with regards to the debt.

***** ANALYSIS FROM -0304/P2 *****

GAMBLING

This bill authorizes DOR to use the provisions under current law for assessing, collecting, and reviewing delinquent income and franchise taxes to assess, collect, and review any unpaid amount owed by a retailer to the DOR in connection with the state lottery.

***** ANALYSIS FROM -0743/1 *****

TAXATION

OTHER TAXATION

Under current law, generally, the state imposes a use tax on the storage, use, or other consumption in this state of tangible personal property or taxable services purchased from a retailer who has no physical presence in this state. Under current federal law, a retailer who has no physical presence in this state and who sells tangible personal property or taxable services to customers in this state is not required to collect the use tax imposed on such sales.

Under this bill, a retailer who has no physical presence in this state and who sells tangible personal property or taxable services to customers in this state must collect the use tax from the customers, contingent, however, on federal law authorizing the collection of such taxes.

***** ANALYSIS FROM -1046/P1 *****

TAXATION**OTHER TAXATION**

Under current law, the state imposes a rental vehicle fee on the rental of certain vehicles. The fee is equal to 3 percent of the gross receipts from the rental of automobiles, mobile homes, motor homes, and camping trailers, if such vehicles are rented or leased without drivers, and 5 percent of the gross receipts from the rental of limousines. Under this bill, the rental vehicle fee is equal to 5 percent of the gross receipts from the rental of automobiles, mobile homes, motor homes, and camping trailers, if such vehicles are rented or leased without drivers, and 5 percent of the gross receipts from the rental of limousines.

*** ANALYSIS FROM -1693/1 ***

TAXATION**OTHER TAXATION**

Under current law, a county retains 20 percent of all real estate transfer fees collected by the county and submits the balance to the state. Under this bill, the real estate transfer fees retained by the county that are collected in conjunction with the transfer of real estate in a first class city shall be transmitted to the first class city.

*** ANALYSIS FROM -1796/3 ***

TAXATION**OTHER TAXATION**

This bill imposes the sales tax and the use tax on audiovisual works, finished artwork, literary works, and audio works that are delivered electronically to a purchaser.

*** ANALYSIS FROM -1820/1 ***

TAXATION**OTHER TAXATION**

This bill increases the administrative fees that DOR imposes for the enforcement of intoxicating liquor taxes from three cents per gallon on each gallon of intoxicating liquor subject to taxation to 11 cents per gallon on each gallon of intoxicating liquor subject to taxation.

*** ANALYSIS FROM -1889/2 ***

TRANSPORTATION**HIGHWAYS**

Under current law, DOT, under specified circumstances, may contract up to \$565,480,400 in public debt for the purpose of funding major highway projects, southeast Wisconsin freeway rehabilitation projects, and state highway rehabilitation projects. Prior to July 1, 2005, principal and interest costs incurred in financing this debt (debt service) are paid from the transportation fund. Beginning on July 1, 2005, debt service on this debt is paid from the general fund.

This bill increases by \$250,000,000 this authorized general obligation bonding limit from \$565,480,400 to \$815,480,400.

This bill also creates new general obligation bonding authority for DOT, allowing DOT to contract up to an additional \$213,100,000 in public debt for the

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purpose of funding southeast Wisconsin freeway rehabilitation projects. Debt service on this debt is paid from the transportation fund.

*** ANALYSIS FROM -1084/2 ***

TRANSPORTATION

HIGHWAYS

Under current law, the Building Commission may issue revenue bonds for major highway projects and transportation administrative facilities in a principal amount that may not exceed \$2,095,583,900. 5

(This bill increases the revenue bond limit from \$2,095,583,900 to \$2,552,906,800) \$2,516,117,900

*** ANALYSIS FROM -1394/1 ***

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, any
Any person who obtains a vehicle must obtain a certificate of title for that vehicle from DOT. If a person obtains a vehicle from a motor vehicle dealer, the dealer prepares the application for certificate of title for the person, collects the required application fees, and submits the application to DOT within seven business days of the sale of the vehicle. Currently, some motor vehicle dealers participate in a voluntary program wherein the dealers process the applications for certificate of title electronically.

Under this bill, all motor vehicle dealers must process the applications for certificate of title electronically. A dealer who fails to do so may have its license revoked or suspended by DOT. *In addition, this*

*** ANALYSIS FROM -1053/3 ***

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, an owner of a vehicle pays a fee of \$18.50 to DOT to obtain a new certificate of title for the vehicle or to obtain a certificate of title after the transfer of a vehicle. If an owner of a vehicle needs a replacement certificate of title, he or she pays a fee of \$8 to DOT. The current fee is a new certificate

This bill increases the fee for a new certificate of title or a certificate of title after transfer from \$18.50 to \$28.50 and increases the fee for a replacement certificate of title from \$8 to \$20.

*** ANALYSIS FROM -1051/1 ***

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, a person pays a \$55 annual fee to DOT to register his or her automobile. The fee for a motor truck or dual purpose motor home varies depending on the vehicle's weight: for a vehicle that weighs not more than 4,500 pounds, the annual fee is \$48.50; for a vehicle that weighs not more than 6,000 pounds, the annual fee is \$61.50; and for a vehicle that weighs not more than 8,000 pounds, the annual fee is \$77.50. A person may pay up to \$1,969.50 to register a heavier vehicle.

This bill increases the annual fee for registering an automobile from \$55 to \$65 and changes the annual fee for registering a motor truck or dual purpose motor home

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that weighs not more than 4,500 pounds from \$48.50 to \$65, for a vehicle that weighs not more than 6,000 pounds from \$61.50 to \$71, and for a vehicle that weighs not more than 8,000 pounds from \$77.50 to \$87.

*** ANALYSIS FROM -0452/2 ***

~~TRANSPORTATION~~

~~DRIVERS AND MOTOR VEHICLES~~

Under current law, a registrant is required to pay an environmental impact fee of \$9 upon registering a new motor vehicle with DOT or upon applying for a new certificate of title following a transfer of a vehicle. The environmental impact fees are credited to the environmental fund and are earmarked for environmental management activities. The fee expires on December 31, 2005. This bill increases the fee to \$10.50 and eliminates the expiration date.

*** ANALYSIS FROM -1652/2 ***

~~TRANSPORTATION~~

~~DRIVERS AND MOTOR VEHICLES~~

Current law prohibits a person from operating a motor vehicle on the highway during any period in which the person's motor vehicle operating privilege is revoked (operating while revoked). A person convicted of operating while revoked on or after May 1, 2002, is subject to a criminal penalty and must be fined not more than \$2,500 or imprisoned for not more than one year or both.

This bill makes first offense operating while revoked a civil penalty, under which a person must forfeit not more than \$600 but may not be imprisoned, if the underlying operating privilege revocation does not result from specified alcohol or controlled substance-related traffic violations.

*** ANALYSIS FROM -1192/2 ***

~~TRANSPORTATION~~

~~DRIVERS AND MOTOR VEHICLES~~

Under current law, DOT must revoke a person's motor vehicle operating privilege for five years upon receipt of a record of conviction that brings the person within the definition of a habitual traffic offender or repeat habitual traffic offender. A person is a habitual traffic offender if the person, within a five-year period, has accumulated at least four convictions of specified offenses of a more serious nature or at least 12 convictions of moving violations of traffic regulations or of specified crimes related to the operation of a motor vehicle. For purposes of the habitual traffic offender law, the term "traffic regulation" means traffic-related provisions for which the penalty is a forfeiture (a civil offense) but the term "moving violation" is not defined. Two years after a habitual traffic offender's operating privilege is revoked, the person is eligible for an occupational license. A repeat habitual traffic offender is a person who has obtained an occupational license after having his or her operating privilege revoked as a habitual traffic offender and who is convicted of certain offenses, including moving violations of traffic regulations, within specified time periods after obtaining the occupational license.

This bill replaces the phrase "moving violations of ... traffic regulations" with the phrase "violations of ch. 346", and eliminates the reference to convictions of

Insert 10 *Under the bill* *changes*
~~specified crimes related to the operation of a motor vehicle, in~~ the definition of habitual traffic offender. ~~(Accordingly, a habitual traffic offender is a person who, within a five-year period, has accumulated at least four convictions of specified offenses of a more serious nature or at least 12 convictions of violations of law, punishable by either civil or criminal penalty, classified under the chapter of the statutes designated for rules of the road.~~

*** ANALYSIS FROM -1559/1 ***

TRANSPORTATION

~~DRIVERS AND MOTOR VEHICLES~~

Current law requires DOT to establish new designs for most vehicle registration plates every seven years and to issue the new plates on a rolling basis as vehicle registrations are renewed by the vehicle owners.

This bill eliminates the requirement that DOT establish new designs for registration plates.

*** ANALYSIS FROM -0374/3 ***

TRANSPORTATION

~~DRIVERS AND MOTOR VEHICLES~~ *an additional*

Under current law, a person may purchase a specialized registration plate for his or her motor vehicle. ~~Specialized registration plates are issued for various groups, including persons who are veterans, and for current or former members of the armed forces. DOT charges a fee, in addition to the regular registration fee for the particular kind of vehicle, for the issuance or reissuance of a specialized registration plate.~~

This bill creates a specialized registration plate for persons who are interested in supporting veterans. The bill also requires DOT to deposit all of the additional fees collected for specialized registration plates that are related to veterans or the armed forces into the veterans trust fund. The bill specifies that the additional fee assessed for a specialized plate related to veterans or the armed forces may be claimed as a tax-deductible charitable contribution.

*** ANALYSIS FROM -1082/1 ***

TRANSPORTATION

TRANSPORTATION AIDS *makes*

Under the bill
 Under current law, DOT ~~administers a general transportation aids program that makes aid payments~~ to a county based on a share-of-costs formula, and to a village, city, or town (municipality) based on the greater of a share-of-costs formula for municipalities or an aid rate per mile, which is \$1,825 for ~~calendar year~~ 2003 and thereafter.

This bill increases the aid rate per mile to \$1,843 for ~~calendar year~~ 2006 and \$1,862 for ~~calendar year~~ 2007 and thereafter.

general transportation aids
 This bill increases the maximum amount of ~~aid~~ that may be paid to counties ~~under the program from the current limit of \$90,044,600 in calendar year 2003 and thereafter to \$90,945,000 in calendar year 2006 and \$91,854,500 in calendar year 2007 and thereafter.~~ The bill also increases the maximum amount of aid that may be paid to municipalities ~~under the program from the current limit of \$283,291,100~~

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> in calendar year 2003 and thereafter to \$286,124,000 in calendar year 2006 and
 > \$288,985,200 in calendar year 2007 and thereafter.

*** ANALYSIS FROM -1083/1 ***

TRANSPORTATION

TRANSPORTATION AIDS

> Under current law, DOT provides state aid payments to local public bodies in
 > urban areas served by mass transit systems to assist the local public bodies with the
 > expenses of operating those systems. There are four classes of mass transit systems,
 > and the total amount of state aid payments to each class of mass transit system is
 > limited to a specified amount in each calendar year.

in 2005 and > This bill maintains or increases the total amount of state aid payments to each
 > class of mass transit system as follows:

1. For a mass transit system having annual operating expenses in excess of \$80,000,000, the bill maintains the current limit of \$56,811,800 in calendar year 2005 and increases the limit to \$57,379,900 in calendar year 2006 and \$57,953,700 in calendar year 2007 and thereafter.
2. For a mass transit system having annual operating expenses of at least \$20,000,000 but less than \$80,000,000, the bill maintains the current limit of \$15,166,900 in calendar year 2005 and increases the limit to \$15,318,600 in calendar year 2006 and \$15,471,800 in calendar year 2007 and thereafter.
3. For mass transit systems serving urban areas having a population of at least 50,000 but having annual operating expenses of less than \$20,000,000, the bill maintains the current limit of \$21,757,600 in calendar year 2005 and increases the limit to \$21,975,200 in calendar year 2006 and \$22,195,000 in calendar year 2007 and thereafter.
4. For mass transit systems serving urban areas having a population of less than 50,000, the bill maintains the current limit of \$4,925,100 in calendar year 2005 and increases the limit to \$4,974,400 in calendar year 2006 and \$5,024,100 in calendar year 2007 and thereafter.

*** ANALYSIS FROM -1557/2 ***

TRANSPORTATION

OTHER TRANSPORTATION

> Under current law, DOT, in consultation with the Wisconsin Coastal
 > Management Council, administers a Harbor Assistance Program. Under the
 > program, an eligible applicant may be awarded a grant to partially reimburse the
 > applicant for expenses incurred in making certain harbor improvements. Eligible
 > applicants include counties, cities, villages, towns, boards of harbor commissioners,
 > and, with limitations, owners of a private harbor facility. DOT may contract up to
 > \$28,000,000 in public debt (general obligation bonds) to provide grants for harbor
 > improvements.

> (no \$) This bill requires DOT to award a grant from general obligation bond proceeds
 > of \$6,000,000 to a city that owns a harbor facility located on Lake Michigan for the
 > purpose of constructing new boatlift facilities or improving existing boatlift facilities
 > that serve or will serve at least two commercial enterprises that enhance economic

ARG

development in this state. This bill also requires DOT to award a grant, from general obligation bond proceeds, of \$2,100,000 for a boat slip repair and reconstruction project in northeastern Wisconsin. *and Howard*
 If the project is necessary to retain at least 2,500 jobs in this state. *if certain conditions are met.*

*** ANALYSIS FROM -0122/1 ***

TRANSPORTATION

This bill allows DOT RAIL AND AIR TRANSPORTATION *, through its*
 Under current law, the Department of Transportation administers a Rail Passenger Route Development Program, ~~which is used~~ to fund capital costs related to Amtrak service extension routes or other rail service routes between Milwaukee and Madison and between Milwaukee and Green Bay. *through its* This bill expands the program to include service routes between Chicago and Milwaukee and between Madison and La Crosse.

*** ANALYSIS FROM -1055/P1 ***

TRANSPORTATION

RAIL AND AIR TRANSPORTATION

for the acquisition and improvement of rail property Under current law, DOT may contract up to \$32,500,000 in public debt for the acquisition and improvement of rail property. *also* This bill increases this authorized general obligation bonding limit from \$32,500,000 to \$39,000,000.

*** ANALYSIS FROM -1890/1 ***

TRANSPORTATION

OTHER TRANSPORTATION

This bill transfers from the transportation fund to the general fund \$250,000,000 in fiscal year 2005-06 and \$18,058,100 in fiscal year 2006-07.

*** ANALYSIS FROM -1560/3 ***

COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

See also Transportation - Other transportation.

EDUCATION

HIGHER EDUCATION

This bill changes the funding source for several technical college system appropriations from the general fund to the transportation fund.

EMPLOYMENT

This bill changes the funding source for a DWD appropriation account for the Employment Transit Assistance Program, which funds projects to improve access to jobs in areas that are not served by an adequate mass transit system, from the general fund to the transportation fund.

ENVIRONMENT

AIR QUALITY

This bill changes the funding source for an appropriation for administration of the Motor Vehicle Emission Inspection and Maintenance Program from the general fund to the transportation fund.

HEALTH

This bill changes the funding source for an appropriation account for emergency medical services from the general fund to the transportation fund.

NATURAL RESOURCES**OTHER NATURAL RESOURCES**

This bill changes the funding source for an appropriation account for the costs of removal and disposal of car kill deer from highways and for an appropriation account for the maintenance and development of certain state park, forest, and Lower Wisconsin State Riverway roads from the general fund to the transportation fund.

STATE GOVERNMENT**OTHER STATE GOVERNMENT**

This bill changes the funding source for a DOJ appropriation account relating to the lease of certain computers from the general fund to the transportation fund.

TRANSPORTATION**OTHER TRANSPORTATION**

Under current law, DOT collects a supplemental vehicle title fee of \$150 in connection with applications for certificates of title for new vehicles and for vehicles the ownership of which has been transferred. The Department of Commerce (Commerce) also collects a supplemental manufactured home title fee of \$150 in connection with applications for certificates of title for new manufactured homes and for manufactured homes the ownership of which has been transferred. (These two supplemental title fees are deposited into the transportation fund. By October 1 of each year, the secretary of transportation must certify to the secretary of administration the amount of these two supplemental title fees collected during the previous fiscal year and that amount, minus \$555,000, is transferred from the general fund to the environmental fund on October 1 of each year.

Under this bill, this transfer mechanism is eliminated and these two supplemental title fees are deposited directly into the environmental fund for nonpoint source water pollution abatement. The bill includes provisions ensuring that the impact of this change will occur as of July 1, 2005.

VETERANS AND MILITARY AFFAIRS

This bill changes the funding source for several military affairs appropriations regarding emergency management from the general fund to the transportation fund.

*** ANALYSIS FROM -1559/1 ***

TRANSPORTATION**DRIVERS AND MOTOR VEHICLES**

Current law requires DOT to establish new designs for most vehicle registration plates every seven years and to issue the new plates on a rolling basis as vehicle registrations are renewed by the vehicle owners.

This bill eliminates the requirement that DOT establish new designs for registration plates.

*** ANALYSIS FROM -1056/2 ***

TRANSPORTATION**OTHER TRANSPORTATION**

Under current law, DOT may contract up to \$28,000,000 in public debt to provide grants for harbor improvements. This bill increases this authorized general obligation bonding limit from \$28,000,000 to \$39,400,000 to provide grants for harbor improvements.

*** ANALYSIS FROM -1400/1 ***

TRANSPORTATION**DRIVERS AND MOTOR VEHICLES**

Under current law, documentary evidence offered before a court must meet certain requirements of authentication as a condition precedent to admissibility. Certain documents, including certified public records, may be self-authenticating if specified requirements are met so that extrinsic evidence of authentication is not required. A copy of an official record or report or of a document recorded or filed in a public office, including data compilations in any form, certified according to certain criteria as correct by a person authorized to do so is self-authenticating.

This bill allows driver records maintained by DOT to be certified electronically by DOT as public records qualifying for self-authentication if the electronic certification is made in a manner determined by DOT to satisfactorily support a finding that the document is what it purports to be. Accordingly, driver records may be self-authenticating by certification generated by a DOT computer system rather than a DOT employee.

*** ANALYSIS FROM -1591/2 ***

TRANSPORTATION**OTHER TRANSPORTATION**

This bill creates a new appropriation in the segregated transportation fund for the purpose of providing state funds for a federal project to improve the Soo Locks connecting Lake Superior with the other Great Lakes.

*** ANALYSIS FROM -1558/1 ***

OTHER TRANSPORTATION**TRANSPORTATION****TRANSPORTATION AIDS**

This bill creates an appropriation to the Harbor Assistance Program for moneys received from the federal government. It also A

*** ANALYSIS FROM -0321/2 ***

VETERANS AND MILITARY AFFAIRS

Under current law, an eligible veteran may receive a loan of up to \$25,000 from the veterans housing loan program to improve his or her home, including making the home handicapped accessible or adding a garage to the home. This bill removes the limit on the amount of the loan.

Currently, an eligible veteran may receive a loan from the veterans housing loan program to purchase or improve a home only if the home is or will be the veteran's principal place of residence. This bill allows such a loan if the veteran uses the home as a residence.

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P. 97

subheading

and
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lmk

RVA
housing for the veterans
The bill adds persons who completed six continuous years under honorable conditions in the national guard or a reserve component of the U.S. armed forces to those who are eligible to receive a loan ~~under the housing loan program~~.

KJF
Currently, a veteran may receive a housing loan to refinance another loan. ~~Refinancing loans are available only for the same type of use that the housing loan program covers.~~ The loan may be used to pay for balances due on a construction or bridge loan. ~~The loan may be also be used for the payment of a loan if the loan's balance does not exceed the amount requested in any prior application by the veteran and the debt was incurred after the veteran made an application to the DVA that was denied.~~ This bill allows the use of a housing loan to refinance the balance due on any indebtedness as long as the previous loan was incurred for the same type of use that the ~~housing loan~~ program covers.

*** ANALYSIS FROM -0324/3 ***

~~VETERANS AND MILITARY AFFAIRS~~

for any use
Under current law, DVA may lend a veteran, a veteran's unmarried surviving spouse, or a deceased veteran's child up to \$25,000. ~~The use of the loan is not restricted,~~ but the loan must be repaid within ten years. If the loan exceeds \$5,000, the loan must be secured by a mortgage on real estate located in this state.

KJF
Under the bill, ~~the term of the loan may not exceed ten years, unless adjusted by the department.~~ The bill allows DVA to adjust the maximum terms of the loans based upon financial market conditions, funds available, needs of the trust fund, and other relevant factors. *may*

*** ANALYSIS FROM -0328/3 ***

~~VETERANS AND MILITARY AFFAIRS~~

the current part-time classroom study program
KJF
DVA provides
Under ~~current law~~, DVA provides reimbursement to veterans for the costs associated with enrollment and completion of correspondence courses and class room study at proprietary schools, schools approved for the training of veterans, and institutions of higher education. Under the current tuition reimbursement program, ~~a veteran is eligible for reimbursement if the person is enrolled as an undergraduate for at least 12 credits during a semester and the reimbursement is equal to the tuition or the standard cost of tuition for a state resident at the UW-Madison, whichever is less, minus any grants or scholarships.~~ Eligibility for the tuition reimbursement program is limited to courses begun within ten years after leaving active service, and the annual income of the veteran and the spouse may not exceed \$50,000, plus \$1,000 for each dependent in excess of two dependents. Reimbursement is limited to 120 credits or eight full semesters at an institution of higher education or 60 credits or four semesters if the institution provides a degree after the completion of 60 credits.

the reimbursement is limited to
Under the part-time classroom study program, ~~a student may be reimbursed for the tuition paid for taking less than 12 credits, if an undergraduate, or less than nine credits, if a graduate student, for attending a summer session or for taking a correspondence class.~~ The reimbursement amount and income eligibility are the same as for the full-time tuition reimbursement program. Veterans with a master's degree are not eligible for reimbursement under this program.

This bill combines these two programs and makes the following changes in the new, combined program:

may
may
except
RPW

1. Eligibility is limited to a veteran whose annual income combined with his or her spouse's income is less than the median household income for the state.

2. Veterans with undergraduate degrees are not eligible.

KJF

3. If funds are insufficient to provide for all of the veterans who apply for reimbursement, the bill allows DVA to reduce the reimbursement percentage. ~~This provision does not apply to reimbursement for courses taken by veterans whose disability is rated at 30 percent or more by the federal Department of Veterans Affairs.~~

4. The credits that are reimbursable are limited to 30 credits if the veteran served on active duty for 90 to 180 days, 60 credits if the veteran served for 181 days to 730 days, and 120 credits if the veteran served more than 730 days.

5. The limit on reimbursement to courses taken within ten years after leaving service does not apply to part-time classroom study. ~~courses~~

*** ANALYSIS FROM -0329/3 ***

up to 60 cred. & of
VETERANS AND MILITARY AFFAIRS

KJF

Under current law, DVA may grant aid to any incapacitated veteran or a dependent of a veteran in an amount that DVA determines is necessary to prevent want or distress. ~~The aid may be provided if the incapacitation resulted from drug abuse and the recipient is participating in a drug abuse treatment program. The aid is limited to three months in any 12-month period. Currently, DVA may grant temporary health care aid to a veteran or dependent of a veteran to meet medical or hospital bills. The amount of aid is limited to \$5,000 in any 12-month period. The aid may be used to provide for the treatment of alcoholism or other drug addiction. The aid may be paid to the health care provider. No health care aid may be paid currently if the liquid assets of the veteran's household exceeds \$1,000.~~

Under this bill, the aid is limited to incapacitated veterans and the maximum amount of aid that DVA may grant is \$2,000 in a 12-month period. The bill limits the payment for health care assistance to dental, vision, and hearing care, with a limit in a 12-month period of \$2,500 for dental care, \$500 for vision care, and \$1,500 for hearing care. The bill places a limit of \$5,000 on the amount that a veteran may receive under the ~~programs~~ *lifetime*

*** ANALYSIS FROM -0326/1 ***

VETERANS AND MILITARY AFFAIRS

KJF

Current law prohibits admission of surviving spouses or parents of veterans to the southeastern facility for veterans at Union Grove, but permits admission of those persons to the Wisconsin Veterans Home at King if the Board of Veterans Affairs (board) determines that the home's overall occupancy level is below an optimal level, as determined by the board.

This bill allows surviving spouses or parents of veterans to be admitted to the southeastern facility for veterans at Union Grove ~~if the board determines that the facility's overall occupancy level is below an optimal level, as determined by the board,~~ the same standard as for the Wisconsin Veterans Home at King.

*** ANALYSIS FROM -0322/1 ***

under

used

admission to

VETERANS AND MILITARY AFFAIRS

KW
This bill raises the maximum amount of grants that DVA may provide to the governing bodies of federally recognized American Indian tribes and bands from \$2,500 to \$10,000 for the purpose of employing a tribal veterans' service officer to advise American Indian tribal or band members with information about veterans benefits.

BP
\$50 *** ANALYSIS FROM -0325/1 ***

VETERANS AND MILITARY AFFAIRS

Under current law, DVA coordinates the provision of military honors funerals to deceased veterans by members of local veterans organizations and the national guard. As part of that program, DVA reimburses the local veterans organization an amount not to exceed \$50 for its costs in providing the military honors funeral.

This bill repeals the reimbursement of the costs of the military honors funeral.

This bill will be referred to the Joint Survey Committee on Tax Exemptions for a detailed analysis, which will be printed as an appendix to this bill.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows: